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February 28, 2008

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Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423



RE: Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company-Abandonment Exemption in Tulare County, CA (Between Exeter and Strathmore)*

Dear Acting Secretary Quinlan:

Enclosed are the original and 10 copies of a Petition for Exemption for the San Joaquin Valley Railroad Company ("SJVR") to abandon a 9.20-mile rail line between Exeter, milepost 259.40, and Strathmore, milepost 268.60, in Tulare County, CA. Also enclosed are a check from SJVR for the filing fee of \$5,400, and a computer diskette containing the Petition in Word and pdf format. All of the color Exhibits are attached to the end of the Petition in Exhibit I.

Please time and date stamp the additional copy of this letter and the Petition and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

Louis E. Gitomer  
Attorney for San Joaquin Valley Railroad Company

Enclosures

**FEE RECEIVED**

FEB 28 2008

**SURFACE  
TRANSPORTATION BOARD**

ENTERED  
Office of Proceedings

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Public Record

**FILED**

FEB 28 2008

**SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Docket No. AB-398 (Sub-No. 8X)

221706

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
TULARE COUNTY, CA (BETWEEN EXETER AND STRATHMORE)

PETITION FOR EXEMPTION



**FILED**

FEB 28 2008

**SURFACE  
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Dated: February 28, 2008

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SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-398 (Sub-No. 8X)**

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**SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
TULARE COUNTY, CA (BETWEEN EXETER AND STRATHMORE)**

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**PETITION FOR EXEMPTION**

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The San Joaquin Valley Railroad Company (“SJVR”) petitions the Surface Transportation Board (“Board”) to exempt under 49 U.S.C. § 10502 SJVR’s abandonment of a portion of the South Exeter Branch, a 9.20-mile rail line between near Exeter, milepost 259.40, and near Strathmore, milepost 268.60, in Tulare County, CA (the “Line”) from the prior approval requirements of 49 U.S.C. § 10903.

SJVR is seeking to abandon the Line because the traffic does not justify the costs of operating and maintaining the Line and there are opportunity costs that SJVR is incurring. Abandonment will permit SJVR to rationalize its system, avoid maintenance costs, and dispose of the Line. Upon receipt of abandonment authority, SJVR will terminate its common carrier obligation to operate over the Line and salvage the track and materials. SJVR acquired the Line from the Southern Pacific Transportation Company (“SPT”), a predecessor of the Union Pacific Railroad Company (“UP”). UP will be responsible for the disposition of the underlying real estate.

## **PROPOSED TRANSACTION**

SJVR proposes to abandon a portion of the South Exeter Branch, a 9.20-mile rail line between near Exeter, milepost 259.40, and near Strathmore, milepost 268.60, in Tulare County, CA. The Line traverses Zip Codes 93221, 93247, and 93267. A map of the Line is attached as Exhibit A. Exhibit B consists of the Combined Environmental and Historic Report. The draft *Federal Register* Notice is in Exhibit C and copies of the newspaper publication and the required certification are in Exhibit D. The certificate of service is in Exhibit E. Exhibit F contains the Verified Statement of Mark D. Garvin, Chief Engineer for all of the subsidiary railroads of RailAmerica, Inc. Mr. Garvin addresses the value of the track and material on the Line and the cost of maintenance. Exhibit G contains the Verified Statement of Mr. Robert M. Frelich, Jr., and addresses the costs of operating over the Line. Exhibit H contains the opposition of the City of Lindsay. Exhibit I contains exhibits in color.

Based on information in SJVR's possession, the Line does not contain federally granted right-of-way. Any documentation in SJVR's possession concerning title will be made available to those requesting it.

## **BACKGROUND**

SJVR became a rail carrier in 1992 upon consummating a lease from the SPT and Visalia Electric Railroad Company for the operation of seven rail lines and assumption of trackage rights over a number of other rail lines owned exclusively by SPT or jointly by SPT and The Atchison, Topeka and Santa Fe Railway Company ("Santa Fe") covering a total of 354.70 miles of rail line in Fresno, Tulare, Kern, and Kings Counties, CA.<sup>1</sup> Subsequently, SJVR purchased 206.77 miles

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<sup>1</sup> *San Joaquin Valley Railroad Co.—Lease and Operation Exemption—Southern Pacific Transportation Company and Visalia Electric Railroad Company*, ICC Finance Docket No. 31993 (ICC served January 23, 1992) (*San Joaquin I*).

of track and rail assets and leased the underlying right-of-way, for the seven rail lines that it had previously leased in *San Joaquin I.*<sup>2</sup>

The only alternative to abandonment would be to continue to operate the Line. SJVR believes that there is not a sufficient volume of traffic available on the Line to justify the costs of maintaining and operating the Line. Making a capital investment in the Line would not be a prudent use of carrier resources. Alternate transportation service is available. The burden of continued operations on SJVR outweighs the burden of loss of service on shippers and local communities.

**A. Traffic on the Line.**

The only active shipper located on the Line is Tulare Frozen Foods, successor in interest to Lindsay Foods, located at milepost 264.1. Lindsay Foods shipped frozen vegetables. Lindsay Foods shipped 39 carloads in 2005 generating revenue of \$15,384, 67 carloads in 2006 generating revenue of \$27,380, and 79 carloads in 2007 generating revenue of \$32,745.

**B. Rehabilitation of the Line.**

The Line is currently operated in Federal Railroad Administration ("FRA") Class I condition. In his attached Verified Statement, Mr. Garvin indicates, the Line does not require rehabilitation at this time.

**C. Maintenance of way.**

Mr. Garvin determined that the annual cost for maintenance-of-way of the Line is \$52,950. Mr. Garvin explained that maintenance on the Line involves vegetation control,

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<sup>2</sup> *San Joaquin Valley Railroad Co. –Acquisition and Lease Exemption–Southern Pacific Transportation Company*, ICC Finance Docket No. 31993 (Sub-No. 1) (ICC served October 4, 1993) (*San Joaquin II*).

crossing maintenance, and track inspection and maintenance. The Line is 9.20 miles in length. The average cost per mile to maintain the Line is about \$5,657.

The Board has accepted a range of normalized maintenance of way costs of between \$4,300 and \$6,000 in recent decisions.<sup>3</sup> Mr. Garvin projects that maintenance costs per mile over the Line to be \$5,657. Compared to the maintenance costs accepted by the Board, Mr. Garvin is being conservative in his estimate.

**D. Cost of operations.**

Mr. Frelich has calculated the Forecast Year attributable revenues on the Line and the avoidable costs based on the traffic generated on the Line in 2007.

Tulare Frozen Foods is the successor in interest to Lindsay Foods the only shipper on the Line in 2007. Mr. Frelich has used the Lindsay Food's actual 2007 shipments as the basis for his Forecast Year analysis. Lindsay Foods generated revenues of \$32,745 in 2007.

In his verified statement, Mr. Frelich described the operations and costs over the Line. He determined that the avoidable cost of operating the Line was \$12,123.

**E. Calculation of opportunity costs.**

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<sup>3</sup> *Wisconsin Central Ltd –Abandonment–in Ozaukee, Sheboygan and Manitowoc Counties, WI*, STB Docket No. AB-303 (Sub-No. 27), STB served October 18, 2004, at 8; and *Minnesota Northern Railroad, Inc –Abandonment Exemption–in Polk and Norman Counties, MN*, STB Docket No. AB-497 (Sub-No. 3x) (STB served December 4, 2006), at 2.

Opportunity costs (or total return on value of road property) reflect the economic loss experienced by a carrier from forgoing a more profitable alternative use of its assets. Under *Abandonment Regulations—Costing*, 3 I.C.C.2d 340 (1987), the opportunity cost of road property is computed on an investment base equal to the sum of: (1) allowable working capital; (2) the net liquidation value (NLV) of the line; and (3) current income tax benefits (if any) resulting from abandonment. The investment base (or valuation of the road properties) is multiplied by the current nominal rate of return, to yield the nominal return on value. The nominal return is then adjusted by applying a holding gain (or loss) to reflect the increase (or decrease) in value a carrier will expect to realize by holding assets for 1 additional year.<sup>4</sup>

### **1. Calculation of net salvage value (“NSV”).**

Mr. Garvin is the Chief Engineer for RailAmerica, Inc. (“RailAmerica”). He is responsible for the development of maintenance and rehabilitation plans for RailAmerica’s subsidiary railroads. Based on SJVR’s records, an inspection of the Line, the latest costs of rail materials, and the cost of removal and transportation, Mr. Garvin calculates the NSV of the Line to be \$760,896 (See Exhibit F and the Exhibit thereto).

### **2. Calculation of the value of real estate (“VRE”).**

“The NLV of a rail line typically consists of the net salvage value of the track and related materials plus the value of the underlying land.”<sup>5</sup> SJVR does not own the underlying real estate. It is leased from UP. Therefore, SJVR is giving the real estate no value in calculating the NLV.

### **3. Calculation of 15 days working capital.**

Mr. Frelich calculated the annual cost of operating the Line to be \$12,123 per year. Mr. Garvin calculated the annual cost of maintaining the Line to be \$52,950. Working capital for the computation of opportunity costs is calculated as 15 days of the costs of the Line. Therefore,

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<sup>4</sup> *Wisconsin Central Ltd.—Abandonment—in Ozaukee, Sheboygan and Manitowoc Counties, WI*, STB Docket No. AB-303 (Sub-No. 27) (STB served October 18, 2004), at 10-11.

<sup>5</sup> *Pyco Industries, Inc —Feeder Line Application—Lines of South Plains Switching, Ltd Co.*, STB Finance Docket No. 34890 (STB served August 31, 2007), at 15.

SJVR has totaled the operating costs and maintenance costs (\$65,073), divided them by 365 and multiplied that amount by 15 to arrive at the 15 days of working capital of \$2,674.

#### **4. Nominal cost of capital.**

The Board has recently accepted the nominal cost of capital for a Class III railroad of 17.50 percent.<sup>6</sup> Therefore, SJVR has decided to use 17.50 percent as the nominal cost of capital in calculating the opportunity costs of the Line

#### **5. Income tax consequences.**

The book value of the Line is \$760,896. The NLV of \$760,896 less the book value yields no gain. Therefore, sale of the Line will have no tax consequences.

#### **6. Holding gain.**

Because of the volatility of the market for scrap and reusable steel, SJVR estimates that there will be no holding gain or loss in the current economic environment. The Board has accepted such an analysis.<sup>7</sup>

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<sup>6</sup> *Southwestern Railroad Company, Inc –Abandonment Exemption—in Ellis County, OK, and Lipscomb, Ochiltree, and Hansford Counties, TX*, STB Docket No. AB-341 (Sub-No. 1X) (STB served November 20, 2007).

<sup>7</sup> *Id.* at 2.



## **7. Calculation of Opportunity Costs.**

The following Table shows the opportunity cost calculation.

Working Capital	\$ 2,674
NLV	\$ 760,896
Taxes	\$ 0
Holding Gain	\$ 0
Valuation	\$ 763,570
Nominal Rate of Return	17.50
Opportunity Cost	\$ 133,624

### **F. Alternative transportation.**

The Line runs parallel to California Highway 65 for its entire length, so motor carriage is an available alternative. The limited traffic on the Line has readily available highway alternates to rail transportation.

### **G. Summary.**

Continued ownership and operation of the Line by SJVR will continue to be a burden on SJVR and interstate commerce. SJVR will incur annual maintenance costs of \$52,950, annual operating costs of \$12,123, and opportunity costs of \$133,624. SJVR will be able to reuse or sell the track and materials, which is valued at about \$760,896. In addition, there is alternate transportation service available. On an operating basis the Line generates attributable revenue of \$32,745 and avoidable costs of \$65,073, resulting in an annual loss of \$32,328.

SJVR contends that in balancing the harm to itself and interstate commerce against the harm to the shipper and local interests, the balance clearly favors abandonment.

## **ARGUMENT SUPPORTING THE ABANDONMENT**

SJVR seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 in order to abandon the Line.

Under 49 U.S.C. § 10502, the Board must exempt a transaction from regulation when it finds that:

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and

(2) either:

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 th Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir 1984). Congress reaffirmed this policy in the

conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502. H.R. Rep. No. 422, 104th Cong., 1st Sess. 168-69 (1995).

**A. The Application of 49 U.S.C. § 10903 Is Not Necessary to Carry Out the Rail Transportation Policy**

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit. 49 U.S.C. § 10101 (2) and (7). The abandonment by SJVR will not result in a loss of rail service. The only shipper on the Line does not generate enough traffic to cover the costs of operation, much less the opportunity costs on the Line.

SJVR will avoid annual maintenance costs of \$52,950, annual operating costs of \$12,123, and opportunity costs of \$133,624. SJVR will be able to reuse or sell the track and materials, which is valued at about \$760,896. Abandonment will allow SJVR to avoid an annual operating loss of \$32,328. Granting this exemption, therefore, fosters sound economic conditions and encourages efficient management by permitting the rationalization of an unnecessary rail line. 49 U.S.C. § 10101 (3), (5) and (9). Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected since the public will not be deprived of any needed rail services.

**B. This Transaction Is Of Limited Scope**

The proposed transaction is of limited scope. SJVR seeks to abandon a 9.20-mile line in one county in California.

### **C. This Transaction Will Not Result In An Abuse Of Market Power.**

Lindsay Foods has not shipped enough carloads to cover the costs of operating the Line. Lindsay Foods shipped 79 cars in 2007 and the Line lost \$32,328. To enable SJVR to break even on an avoidable cost basis of \$65,073, Lindsay Foods would have to pay about \$409 additional per carload. To also cover SJVR's opportunity costs of \$133,624, the rate per carload would have to be about \$2,515 per car.

If Tulare Frozen Foods were to claim that it intended to increase traffic to cover SJVR's costs, traffic would need to increase to about 203 carloads (\$414 per car) per year based on operating costs of \$31,059 (203 cars x \$153 per car) and constant maintenance costs of \$52,950. To cover SJVR's opportunity costs, Tulare Frozen Foods would have to ship about 715 cars per year (715 cars x \$414 per car = \$296,010) to cover costs of \$295,969 (opportunity costs of \$133,624 + maintenance costs of \$52,950 + operating costs of \$109,395 (715 X \$153)). Based on the current level of traffic, SJVR has subsidized Lindsay Foods for at least the last three years. Therefore, SJVR has sought authority from the Board to abandon the Line. Accordingly, SJVR contends that the abandonment of the Line will not result in an abuse of market power.

### **REQUEST FOR PROCEDURAL SCHEDULE**

SJVR respectfully requests the Board to adopt a procedural schedule in this proceeding permitting any party to submit a reply to the Petition, as a matter of right, and permitting SJVR to file rebuttal to those replies as a matter of right. SJVR contends that the Board's rules at 49 C.F.R. §§ 1152.60 (the "Abandonment Exemption Rules"), 1121 (the "Exemption Rules"), and 1112 (the "Modified Procedure Rules") as well as 49 U.S.C. § 10502 permit the opening of the type of proceeding proposed by SJVR.

SJVR has received a letter from the City of Lindsay including a resolution from the City Council opposing the abandonment. See Exhibit H. SJVR expects Lindsay and perhaps others, including Tulare Frozen Foods, to oppose the abandonment of the Line. Although SJVR has tried to address the issues that might be raised, it is not possible to determine and address all of the issues that a protestant might raise. SJVR believes that the Board will be able to make a more informed decision if SJVR is given the opportunity as a matter of right to respond to any opposition that is filed.

SJVR is requesting the Board to commence a proceeding and establish a procedural schedule so that any party seeking to comment on the proposed abandonment has a right to comment and submit evidence, and so that SJVR has an opportunity to respond. As noted above, SJVR believes that the proposed abandonment may generate comments.

Under 49 U.S.C. § 10502(b), the “Board may, where appropriate, begin a proceeding under this section on its own initiative or on application by ... an interested party.” SJVR contends that it is appropriate to begin a proceeding in this matter.

The Board has adopted special rules applicable to petitions for exemption involving the abandonment of a rail line. 49 C.F.R. §1152.60. Procedurally, those rules require that within 20 days of the filing of the petition, the Board, through the Director of the Office of Proceedings, will publish a notice of the filing in the *Federal Register*. 49 C.F.R. §1152.60(a). Where the Abandonment Exemption Rules are not in conflict with the Exemption Rules, the Exemption Rules apply. *Id.* Under the Exemption Rules “the Board may consider during its deliberation any public comments filed in response to a petition for exemption.” 49 C.F.R. §1121.4(a). The Exemption Rules also permit the Board to “[d]irect that additional information be filed.” 49

C.F.R. §1121.4(c)(1)(i). The Modified Procedure Rules permit the Board to develop a record in writing (49 C.F.R. § 1112.1) and set out a schedule (49 C.F.R. § 1112.2).<sup>8</sup>

SJVR is requesting the Board to give effect to all of these rules and adopt a schedule similar to that used in abandonment application proceedings. *See* 49 C.F.R. § 1152.26(a). SJVR proposes that the Board adopt and publish in the notice in the *Federal Register*, the following schedule:

February 28, 2008—Petition for Exemption filed.

March 19, 2008—Due date for Notice of Petition to be published in the *Federal Register*.

April 13, 2008—Due date for protests and comments, including opposition case in chief, and for public use and trail use requests.

April 28, 2008—Due date for SJVR's reply to opposition case and for SJVR's response to trail use requests.

June 17, 2008—Due date for service of decision on the merits.

June 27, 2008—Due date for offers of financial assistance.

SJVR's request is consistent with the Board's recent practice. The Board instituted a proceeding upon the request of the petitioner, established a procedural schedule permitting interested parties to submit comments, and permitted the petitioner to respond as a matter of right. SJVR seeks the same relief here.<sup>9</sup>

SJVR has presented its case-in-chief in this Petition. SJVR respectfully requests the Board to notify potential parties in the *Federal Register* notice that a procedural schedule is being adopted similar to the one used for abandonment applications.

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<sup>8</sup> *See, e.g. Chicago, R I & P R Co. Abandonment*, 363 I.C.C 150 (1980).

<sup>9</sup> *Michigan Central Railway, LLC—Acquisition and Operation Exemption—Lines of Norfolk Southern Railway Company*, STB Finance Docket No. 35063 (STB served August 2, 2007).

## **COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

A Combined Environmental and Historic Report is in Exhibit B.

### **FEDERAL REGISTER NOTICE**

A draft Federal Register notice is attached hereto as Exhibit C.

### **LABOR PROTECTION**


The interests of the railroad employees of SJVR who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R Co --Abandonment--Goshen*, 360 I.C.C. 91 (1979).

### **CONCLUSION**

Application of the regulatory requirements and procedures of 49 U.S.C. § 10903 to the abandonment of the Line is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously shown. Nor is Board regulation required to protect shippers from the abuse of market power. Moreover, this abandonment is of limited scope. Accordingly, SJVR respectfully urges the Board to grant the proposed abandonment of the 9.20-mile Line.

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Respectfully Submitted,



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Attorneys for: SAN JOAQUIN VALLEY  
RAILROAD COMPANY

Dated: February 28, 2008

## **EXHIBIT A-MAP**

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# **EXHIBIT B—COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**  
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-398 (Sub-No. 8X)

**SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
TULARE COUNTY, CA (BETWEEN EXETER AND STRATHMORE)**

Dated: February 28, 2007

**ENVIRONMENTAL REPORT**

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

San Joaquin Valley Railroad Company ("SJVR") proposes to abandon the 9.20-mile rail line between south of Exeter, CA, milepost 259.40, and Strathmore, CA, milepost 268.60 in Tulare County, CA (the "Line"). Upon receipt of abandonment authority, SJVR will salvage the track and materials from the Line. The real estate is owned by the Union Pacific Railroad Company ("UP"), as successor in interest to the Southern Pacific Transportation Company ("SP"). UP will determine how to dispose of the real estate.

Abandonment of the Line will result in the removal of the rail, crossties and possibly the upper layer of ballast. SJVR does not intend to disturb any sub grade or sub grade structures and does not intend to remove any bridge structures. The operations and maintenance of the line will cease. Removal of the Line will result in the elimination of 16 public road crossings. There are no private crossings.

In 2006 and 2007, Lindsay Foods (milepost 264.10) has been the only shipper using the Line. Traffic on the Line generated by Lindsay Foods was 67 carloads in 2006 and 79 carloads in 2007.

The only alternative to abandonment would be for SJVR not to abandon the Line. The Line is a stub end track and therefore has no overhead traffic. With little traffic, SJVR has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.<sup>1</sup>

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action

No passenger traffic will be diverted to other modes as a result of the proposed abandonment. In 2007, 79 carloads moved on the Line. Hence, at most the freight traffic from 67 rail cars per year will be diverted to motor carrier, about 237-316 truck loads. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) SJVR considers the proposed abandonment to be consistent with existing land use plans. Other than in Lindsay and Strathmore, the land adjoining the Line is mainly rural in character.

SJVR contacted Tulare County, MI and the cities of Lindsay and Strathmore, CA by letters dated November 2, 2007. See Exhibit 2. No response has been received as of this date.

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<sup>1</sup> The copy of the map that accompanied the information-gathering letter has been removed from that letter. That map was the same as the map in Exhibit 1 accompanying this report.

A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) SJVR does not believe that there is any prime agricultural land that will be affected. SJVR notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated November 2, 2007, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. No response has been received to date. A copy of this report is being supplied to the USDA for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) SJVR does not believe that the Line is suitable for alternate public use.

(4) Energy (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency.

(iv) The proposed abandonment will not cause the diversion more than 1,000 rail carloads a year, or an average of 50 rail carloads per mile per year for any part of the Line of rail traffic to motor carriage

(5) **Air.** (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are

expected to be transported, identify: the materials and quantity; the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. SJVR will cease operating over the Line. As a result of the abandonment, SJVR will remove 16 public road crossings. There are no private crossings.

(ii) The proposed abandonment will not affect the transportation of hazardous materials

(iii) SJVR is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

**(8) Biological Resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) SJVR does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. SJVR notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated November 2, 2007, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. *See* Exhibit 2. A copy of this Report was supplied to the USF&W for its information and further comment.

(ii) SJVR is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment.

SJVR notified the National Parks Service of the proposed abandonment by letter dated November 2, 2007. and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment

(9) Water (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) SJVR is confident that the proposed abandonment will be consistent with applicable water quality standards SJVR contacted the California Environmental Protection Agency (“CAEPA”) and the United States Environmental Protection Agency (“USEPA”) by letters dated November 2, 2007. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report has been supplied to the CAEPA and USEPA for their information and comment.

(ii) SJVR believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment SJVR does not plan to salvage any of the bridges on the Line. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings. No new access roads are contemplated. SJVR does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris



will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, SJVR does not believe a permit under Section 404 of the Clean Water Act will be required.

SJVR contacted the U.S. Army Corps of Engineers by letter dated November 2, 2007 and has received no response to date. *See Exhibit 2.* A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment

(iii) SJVR believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. SJVR contacted the CAEPA and the USEPA by letter dated November 2, 2007. *See Exhibit 2.* A copy of this Report has been supplied to the CAEPA and USEPA for their information and further comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

SJVR does not expect any adverse environmental impact from the proposed abandonment and, therefore, see no need for any mitigating actions. SJVR will, of course, adhere to any remedial actions suggested by the recipients of this Report, which are required by the Board.

## **HISTORIC REPORT**

1. A U.S.G S topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the California Office of Historic Preservation ("CAHP"). See Exhibit 3.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The 9.20-mile right-of-way is generally 100 feet wide, with some variance in towns and villages

The Line begins at milepost 259.40, elevation 350 feet, about two miles south of Excter, CA, a town with a population of about 10,000 people. The Line runs to the south through the town of Lindsay, population about 10,700. South of Lindsay, the Line runs parallel to the west of California Highway 65. The Line passes through Strathmore, population of about 2,600, and ends at milepost 268.60, at an elevation of about 400 feet

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Photographs of the bridges on the Line that are 50 years old or older and a detailed description of the bridges are attached as Exhibit 4. SJVR does not anticipate removing any of the bridges on the line. SJVR will only remove the track and materials from the bridges, but will leave the bridges in place.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

See Exhibit 4.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

SJVR has operated over the Line between south of Exeter and Strathmore since 1992 when it leased the Line from SPT. SJVR acquired track and materials from SPT in 1993 and continues to lease the real estate.

Attempts to build the San Francisco and San Joaquin Valley Railroad (the "SFSJVR"), the railroad that is today the SJVR began in earnest in 1893 in order to create competition for the SPT in the San Joaquin Valley. After several failed attempts at obtaining funding, the construction was funded in 1895 and the line was built between 1895 and 1898. The Line was completed in 1897.

In 1898, the SFSJVR was purchased by the Atchison, Topeka and Santa Fe Railway Company ("ATSF"). Eventually, SPT acquired the SFSJVR, which was transferred to SJVR in 1992.

SJVR was originally owned by Kyle Railways. In 1992 the SJVR was created to obtain and operate several branch lines from SPT. From 1992 to 1997 the SJVR was owned by Kyle Railways. In 1997 SJVR's parent, Kyle Railways, was sold to States Rail. In 2002 SJVR's new parent, States Rail, was purchased by RailAmerica. Today the SJVR remains a shortline within the RailAmerica family of railroads.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic,

SJVR possesses the valuation maps of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies

or universities);

SJVR believes that the bridges and structures on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also SJVR's opinion that there are no archeological resources or other railroad related historic properties in the project area. SJVR does not plan to alter, remove or dispose of any of the bridges that are on the Line.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

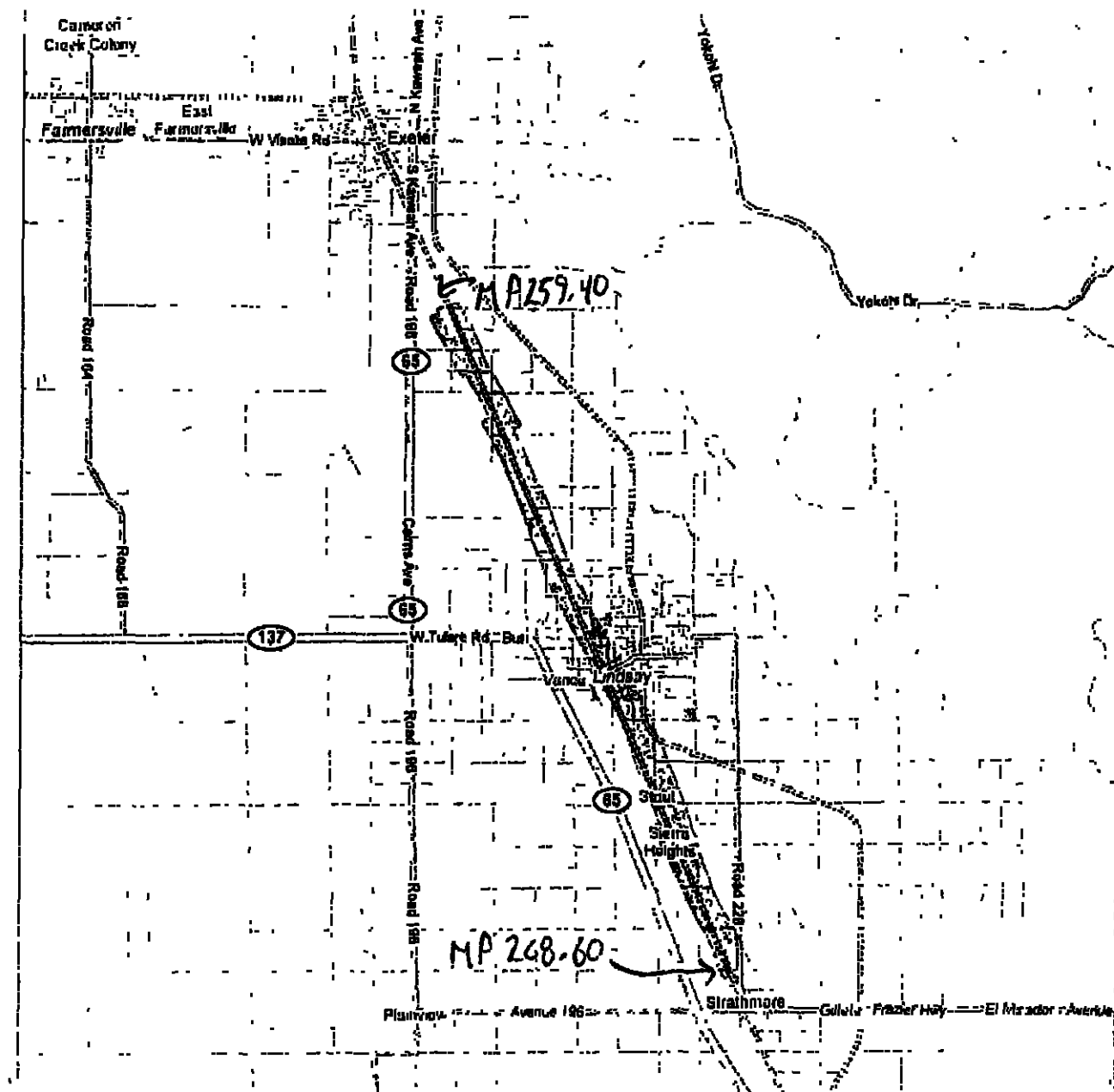
SJVR believes that there are no existing records as to the nature of any known subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of any potential resources

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

SJVR does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, SJVR will promptly supply the necessary information.

SJVR contacted CAHP. *See* Exhibit 2. No response has been received. A copy of this Report has been mailed to CAHP.

## **EXHIBIT 1 – MAP**



## **EXHIBIT 2 – LETTERS**

# San Joaquin Valley Railroad Co.

5300 BROKEN SOUND BLVD., N.W., 2<sup>ND</sup> FLOOR  
BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

National Geodetic Survey (NOAA) at  
'NGS.InfoCenter@noaa.gov' (via email)  
1315 East West Highway  
Silver Spring, MD 20910-3282

RE: Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Exeter and Strathmore)*

Dear Madam/Sir:

On or about November 27, 2007, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for San Joaquin Valley Railroad Company to abandon a 9.20-mile rail line between Exeter, CA, milepost 259.40, and Strathmore, CA, milepost 268.60 in Tulare County, CA (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-398 (Sub-No. 8X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2250, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

  
Louis E. Gitomer

Attorney for San Joaquin Valley Railroad Company

Enclosure



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BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

California State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

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November 2, 2007

California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

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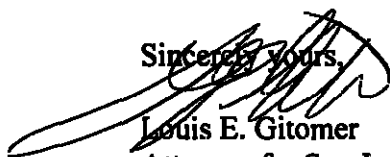
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BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

California Office of Historic Preservation  
Department of Parks and Recreation  
P.O. Box 942896  
Sacramento, CA 94296-0001

RE: Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Exeter and Strathmore)*

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BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

Allen Ishida, Chairman  
Board of Supervisors, Tulare County  
Administration Building  
2800 West Burrel Avenue  
Visalia, CA 93291

RE: Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Exeter and Strathmore)*

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OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

US Environmental Protection Agency  
Region 9

75 Hawthorne Street  
San Francisco, CA 94105

RE: Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Exeter and Strathmore)*

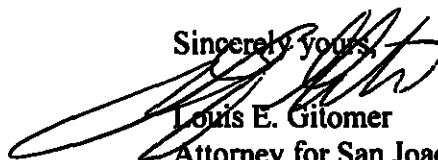
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BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

US Fish and Wildlife Service  
Eastside Federal Complex  
911 NE 11<sup>th</sup> Avenue  
Portland, OR 97232-4181

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BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

US Army Corps of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814

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Enclosure

# San Joaquin Valley Railroad Co.

5300 BROKEN SOUND BLVD., N.W., 2<sup>ND</sup> FLOOR  
BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

State Conservationist  
National Resource Conservation Service  
430 G #4164  
Davis, CA 95616-4164

RF: Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Exeter and Strathmore)*

Dear Madam/Sir:

On or about November 27, 2007, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for San Joaquin Valley Railroad Company to abandon a 9.20-mile rail line between Exeter, CA, milepost 259.40, and Strathmore, CA, milepost 268.60 in Tulare County, CA (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-398 (Sub-No. 8X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2250, email at [Lou\\_Gitomer@verizon.net](mailto:Lou_Gitomer@verizon.net), or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

  
Louis E. Gitomer

Attorney for San Joaquin Valley Railroad Company

Enclosure



# San Joaquin Valley Railroad Co.

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BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

US National Park Service  
Pacific West Region  
One Jackson Center

1111 Jackson Street, Suite 700  
Oakland, CA 94607

RE: Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Exeter and Strathmore)*

Dear Madam/Sir:

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BOCA RATON, FL 33487

OFFICE (561) 994-6015  
FAX (561) 994-4629

November 2, 2007

Pamela Kimball, Mayor Pro Tempore  
City of Lindsay  
251 East Honolulu Street  
Post Office Box 369  
Lindsay, CA 93247

RE: Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Exeter and Strathmore)*

Dear Mayor Kimball:

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Sincerely yours,

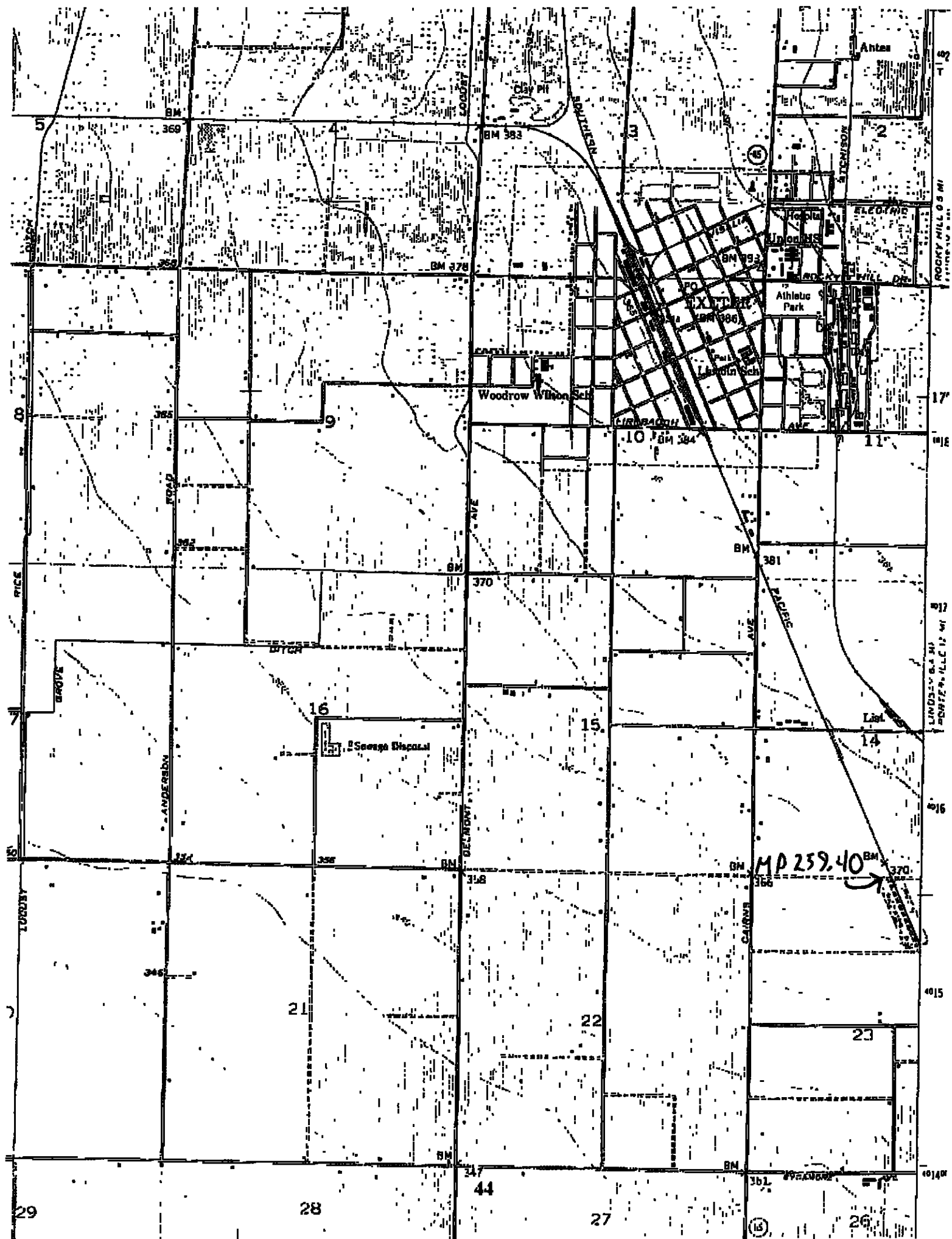


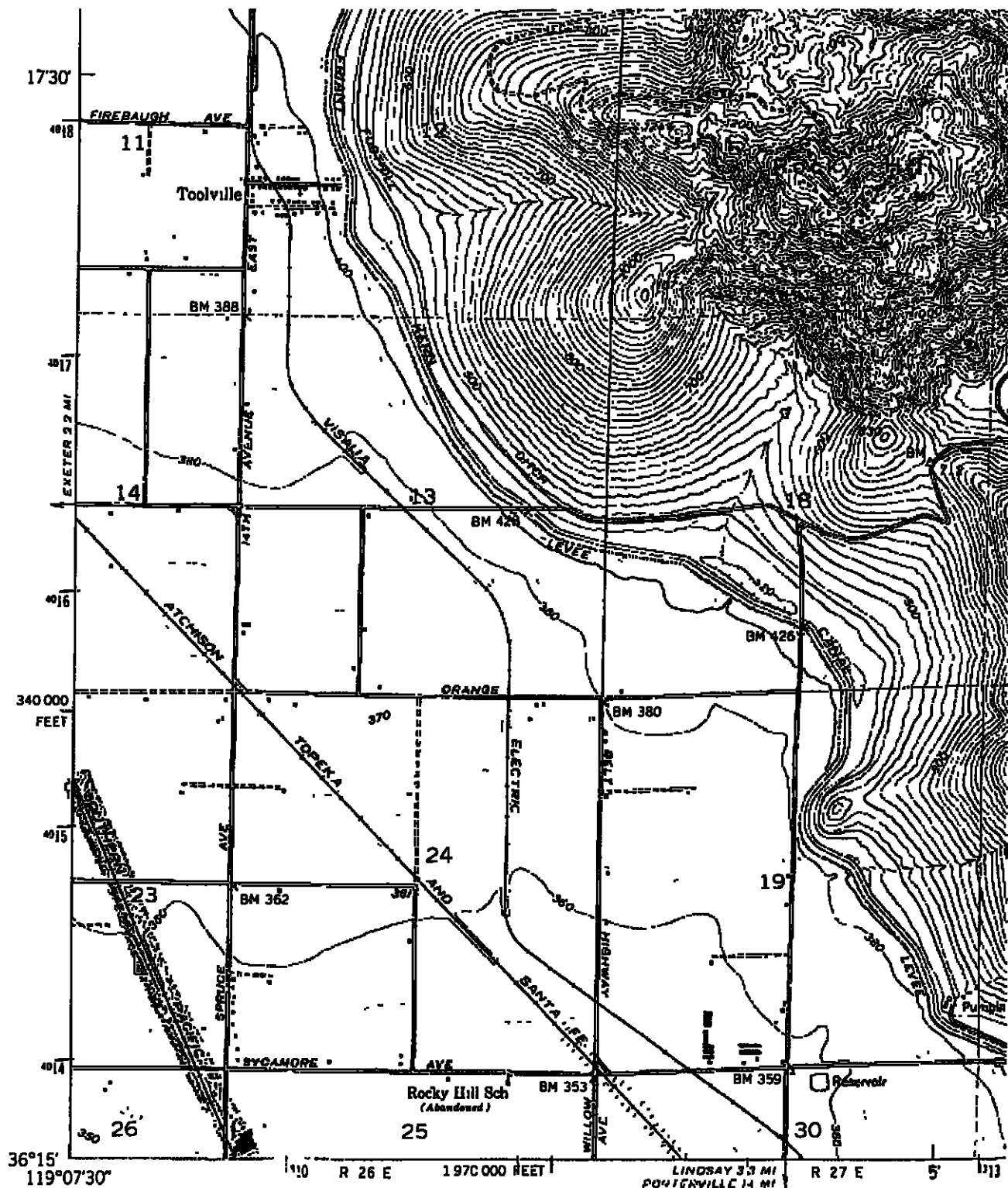
Louis E. Gitomer

Attorney for San Joaquin Valley Railroad Company

Enclosure

## **EXHIBIT 3 – USGS MAPS**





CAIRNS CORNER  
2156 ft NW

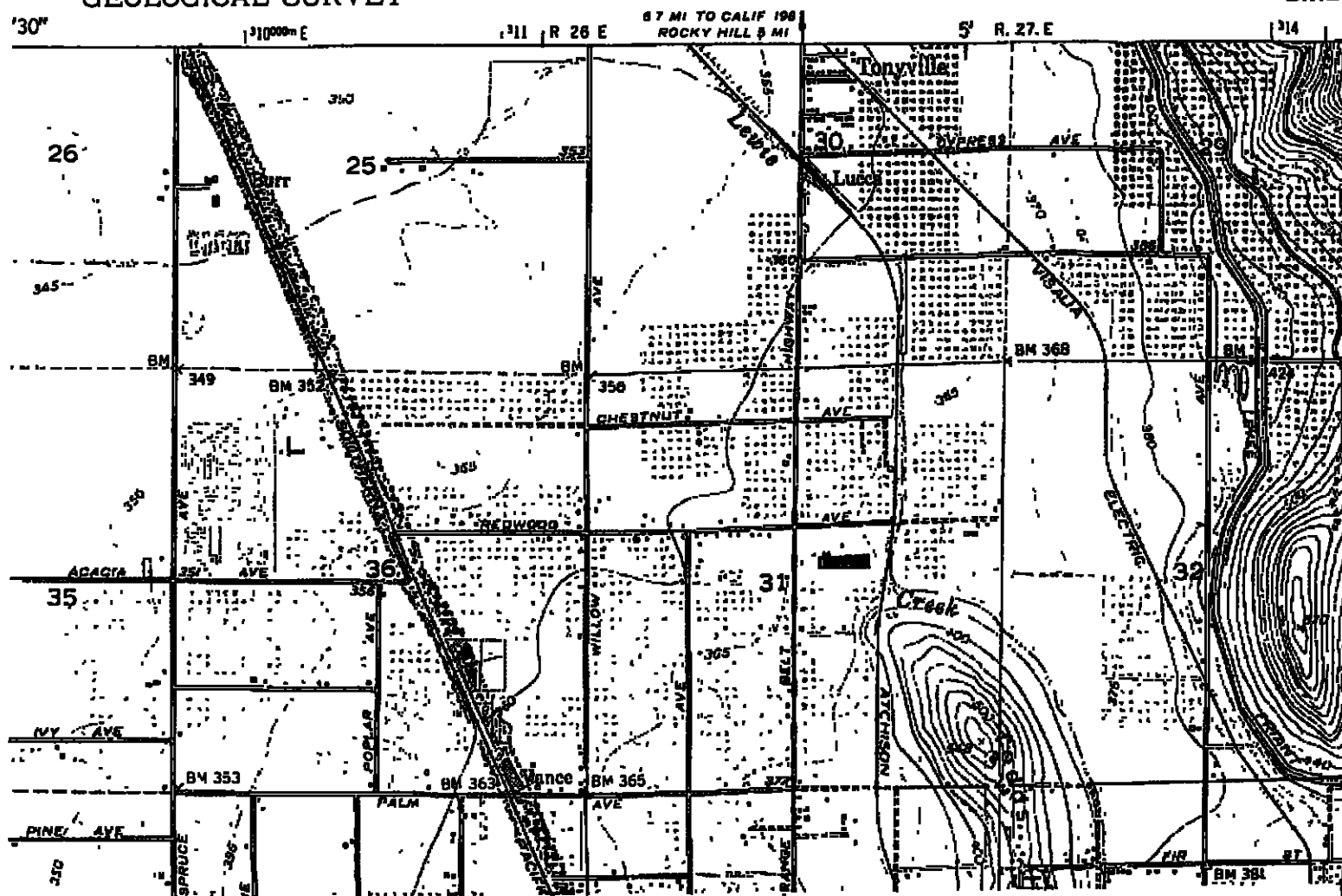
Mapped, edited, and published by the Geological Survey  
Control by USGS, USC&GS, and USBR  
Topography by plane-table surveys 1925 and by Kelsh plotter  
Culture and drainage by photogrammetric methods from aerial  
photographs taken 1946. Contour revision and field check 1951  
Polyconic projection 1927 North American datum  
10,000 foot grid based on California coordinate system, zone 4  
Dashed land lines indicate approximate locations  
Dotted land lines were established by private survey  
Unchecked elevations are shown in brown  
1000 meter Universal Transverse Mercator grid ticks,  
zone 11, shown in blue

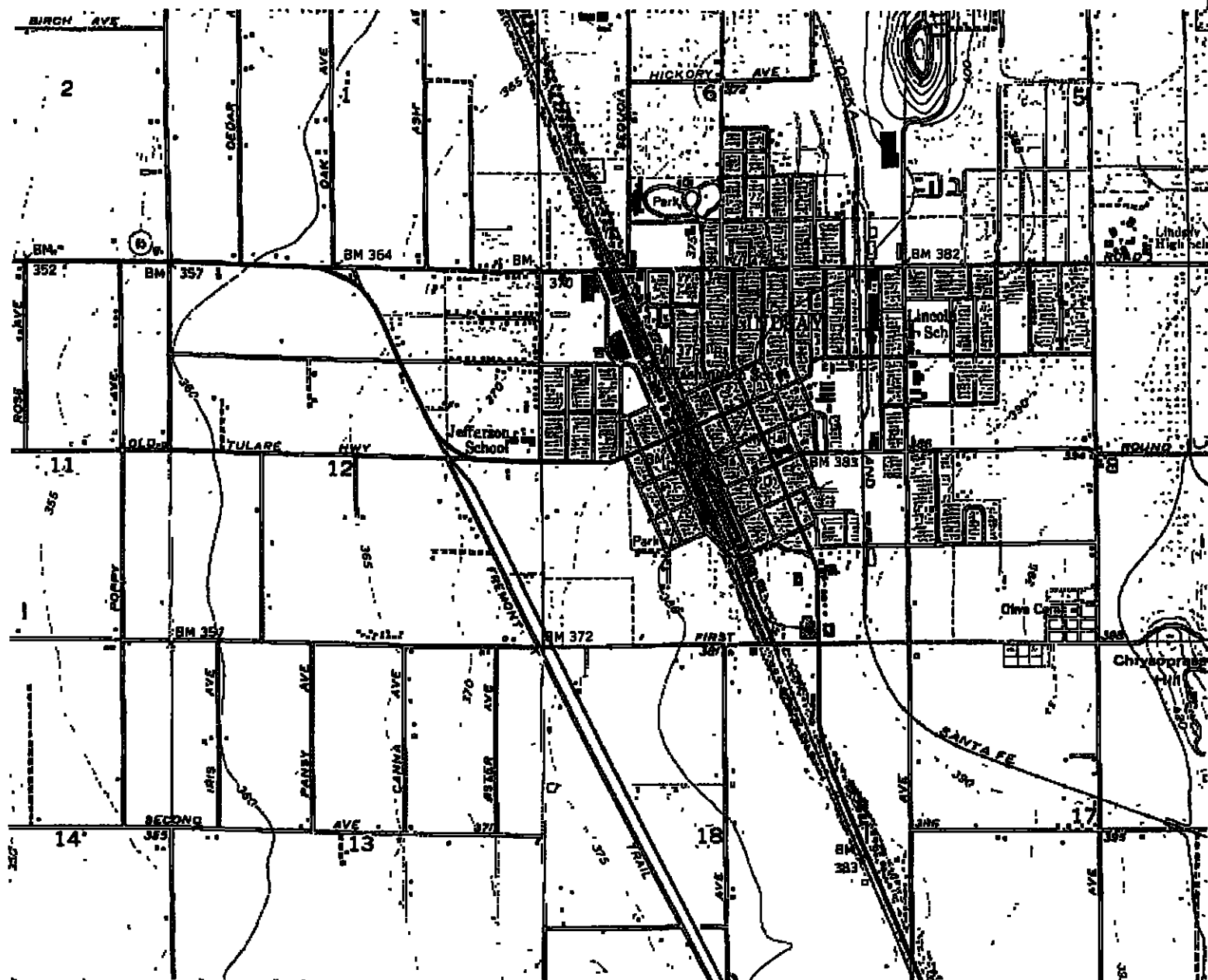
UTM GRID AND 1969 MAGNETIC NORTH  
DECLINATION AT CENTER OF SHEET

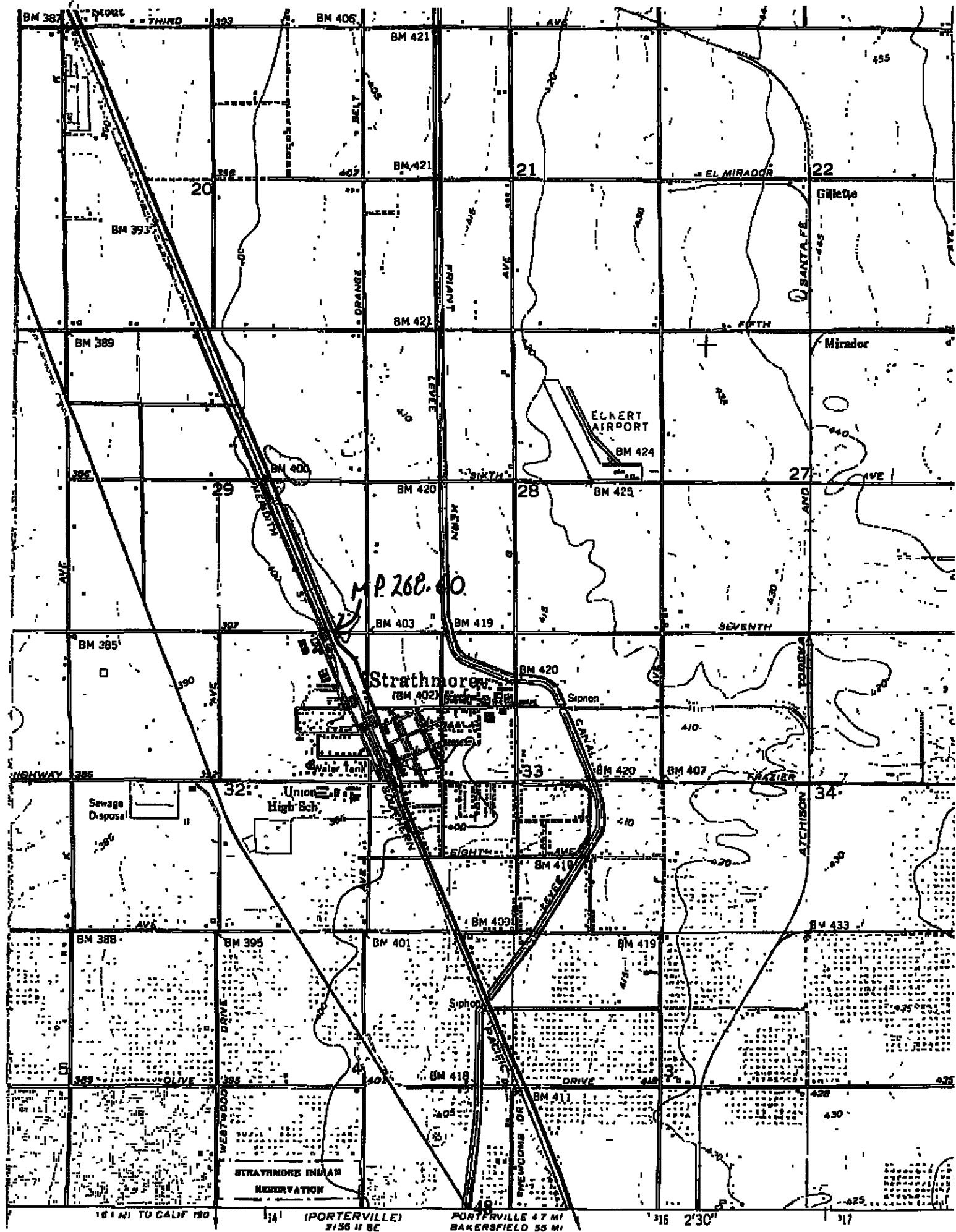
Revisions shown in purple compiled in cooperation  
with California Department of Water Resources from  
aerial photographs taken 1969 This information  
not field checked

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

STA  
R  
DIREC



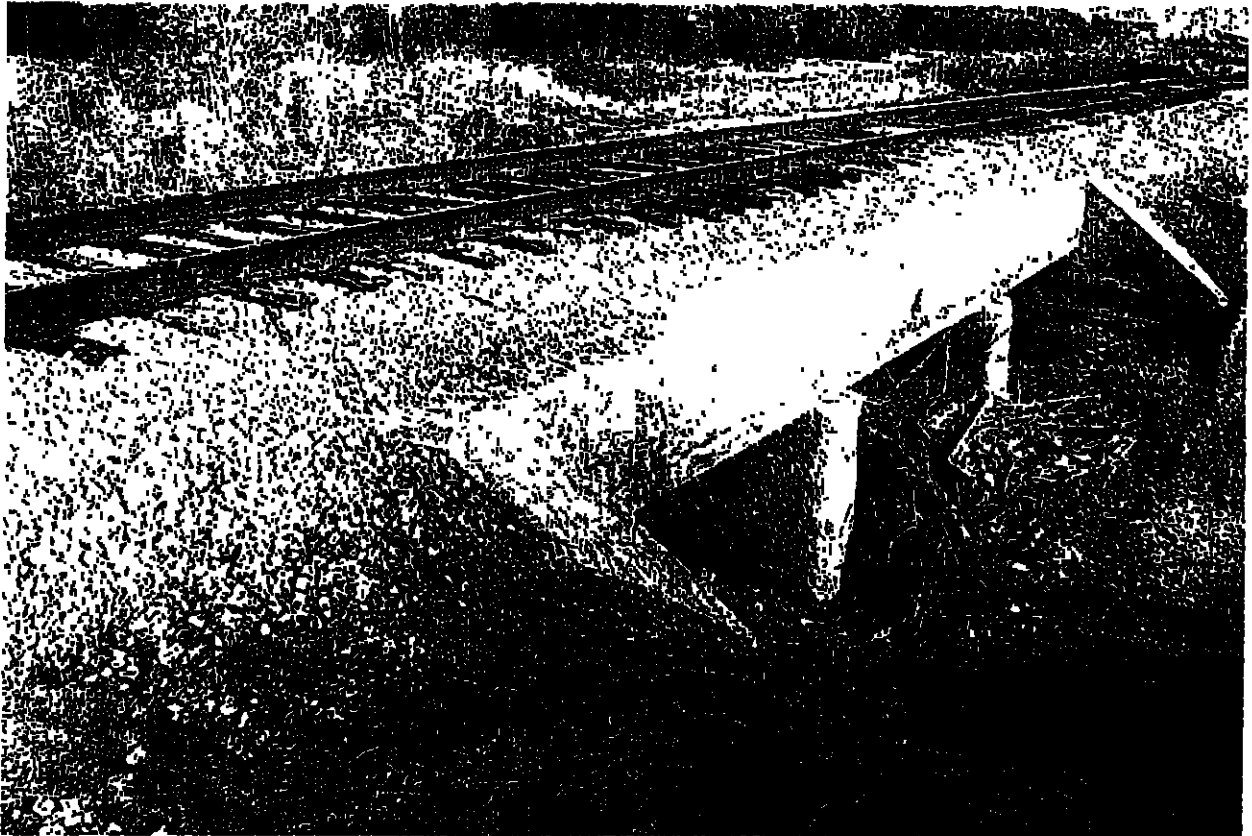






## **EXHIBIT 4 – BRIDGE PHOTOGRAPHS AND DESCRIPTIONS**

## San Joaquin Valley Railroad



Bridge 261.29

The only bridge on the Line is at milepost 261.29. It is a 37-foot long concrete slab bridge with three spans that is six feet high. The bridge has two abutments, two piers, a ballast deck, and rail on the top.

## **EXHIBIT C–FEDERAL REGISTER NOTICE**

**SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
TULARE COUNTY, CA (BETWEEN EXETER AND STRATHMORE)**

**Notice of Petition for Exemption to Abandon**

On February 28, 2008 the San Joaquin Valley Railroad Company (“SJVR”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a portion of the South Exeter Branch, between milepost 259.40, near Exeter, and milepost 268.60, near Strathmore, in Tulare County, CA, a distance of 9.20 miles all of which traverses through United States Postal Service ZIP Codes 93221, 93247, and 93267 in Tulare County, CA (the “Line”). The line for which the abandonment exemption request was filed includes the stations of Strathmore, milepost 268.60, and Lindsay, milepost 264.30.

The Line does not contain federally granted rights-of-way. Any documentation in the railroads’ possession will be made available promptly to those requesting it.

The interest of railroad employees of SJVR will be protected by *Oregon Short Line R Co —Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 25 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in this abandonment proceeding normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

The Board has established the following procedural schedule for the proposed abandonment exemption:

February 28, 2008—Petition for Exemption filed.

March 19, 2008—Due date for Notice of Petition to be published in the *Federal Register*.

April 13, 2008—Due date for protests and comments, including opposition case in chief, and for public use and trail use requests.

April 28, 2008—Due date for SJVR's reply to opposition case and for SJVR's response to trail use requests.

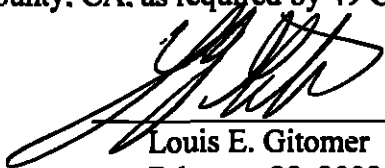
June 17, 2008—Due date for service of decision on the merits.

June 27, 2008—Due date for offers of financial assistance.

## **EXHIBIT D—NEWSPAPER CERTIFICATION**

### **CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. 398 (Sub-No. 8X) was advertised on November 16, 2007 in the Tulare Advance Register, a newspaper of general circulation in Tulare County, CA, as required by 49 C.F.R. § 1105.12.

A handwritten signature in black ink, appearing to read "Louis E. Gitomer", is written over a horizontal line.

Louis E. Gitomer  
February 28, 2008



Ad Content

NOTICE  
San Joaquin Valley - Rail-  
road Company (SJVRR)  
gives notice that on or  
about November 27, 2007 it  
intends to file with the Sur-  
face Transportation Board,  
Washington, DC 20423, a  
petition for exemption un-  
der 49 U.S.C. 10505 from the  
prior approval requirements  
of 49 U.S.C. 10503, et seq.,  
permitting the abandon-  
ment of a 0.26-mile rail line  
between milepost 259.40  
near Exeter and milepost  
263.60 near Strathmore,  
which traverses through  
United States Postal Ser-  
vice ZIP Codes 93221, 93247,  
and 93267 in Tulare County,  
CA (the "Line"). The pro-  
ceeding has been declared  
as No. AB-392 (Sub No. 80).  
The Board's Section of En-  
vironmental Analysis (SEA)  
will generally prepare an  
Environmental Assessment  
(EA), which will normally be  
available 60 days after the  
filing of the petition for dis-  
continuance of service ex-  
emption. Comments on en-  
vironmental and energy  
matters should be filed no  
later than 30 days after the  
EA becomes available to  
the public and will be ad-  
dressed in a Board deci-  
sion. Interested persons  
may obtain a copy of the EA  
or make inquiries regarding  
environmental matters by  
writing to SEA, Surface  
Transportation Board,  
Washington, DC 20423 or by  
calling SEA at 202-245-0295.  
Appropriate offers of finan-  
cial assistance to continue  
rail service can be filed  
with the Board. Requests  
for environmental condi-  
tions, public use conditions,  
or railroad/trails use at-  
tributes can be filed with the  
Board. An original and 10  
copies of any pleading that  
raises matters other than  
environmental issues (such  
as trails use, public use,  
and offers of financial as-  
sistance) must be filed di-  
rectly with the Board's Of-  
fice of the Secretary, 335 E  
Street, SW, Washington, DC  
20423 (See 49 CFR 1104.1(a)  
and 1104.3(a)), and one  
copy must be served on ap-  
plicants' representative  
(See 49 CFR 1104.12(a)).  
Questions regarding offers  
of financial assistance.

**Order Confirmation For Ad #0000011257**

**Customer:** GITOMER  
600 BALTIMORE AVE STE 301  
TOWSON MD 20204 USA  
Customer Phone: 202-466-6532  
Customer EMail:

**Payor Customer:** GITOMER  
600 BALTIMORE AVE STE 301  
TOWSON MD 20204 USA  
Payor Phone: 202-466-6532

**Ordered By:** Louis  
**Customer Fax:** dygarcia  
**Sales Rep:** dygarcia  
**Order Taker:** dygarcia  
**Order Source:** Phone

**PO Number:** #4000

<b>Tear Sheets</b>	<b>Proofs</b>	<b>Affidavits @ \$10.00</b>	<b>Blind Box</b>	<b>Promo Type</b>
0	0	1		
<b>Net Amount</b>	<b>Materials</b>			
\$125.27	<b>Ad Order Notes</b>			
<b>Tax Amount</b>	<b>Invoice Text</b>			
\$0.00				
<b>Total Amount</b>				
\$125.27				
<b>Payment Amount</b>				
\$125.27 - Credit Card - Visa:9203				
<b>Amount Due</b>				
\$0.00				

<b>Ad Number</b>	<b>Ad Type</b>	<b>Ad Size</b>	<b>Color</b>	<b>Production Method</b>	<b>Production Notes</b>
0000011257-0	CLS Liner	10 X 122 L	<NONE>	AdBooker	
<b>External Ad Number</b>	<b>Ad Attributes</b>	<b>Ad Released</b>	<b>Pick Up</b>		
7		No			

## **EXHIBIT E—CERTIFICATE OF SERVICE**

## **CERTIFICATE OF SERVICE**

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-398 (Sub-No. 8X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Exeter and Strathmore)*, was mailed via first class mail, postage prepaid, on February 28, 2008, to the following parties:

### **State Public Service Commission**

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

### **Military Surface Deployment and Distribution Command Transportation Engineering Agency**

SDDCTEA  
ATTN: Railroads for National Defense  
720 Thimble Shoals Blvd.  
Suite 130  
Newport News, VA 23606-2574

### **National Park Service**

U.S. Department of Interior  
National Park Service  
Land Resources Division  
1201 Eye Street, N.W.  
Washington, DC 20005

Ms. Cherri Espersen  
National Recreation Trail Coordinator  
Rivers, Trails and Conservation Assistance Program National Park Service  
1849 C Street, NW (Org Code 2240)  
Washington, DC 20240-0001

**U.S. Department of Agriculture**

U.S. Department of Agriculture  
Chief of the Forest Service  
4<sup>th</sup> Floor, NW  
Sidney R. Yates Building  
201 14<sup>th</sup> Street, S W.  
Washington, DC 20250

**City of Lindsay**

Mr. William Zigler  
City Planner  
City of Lindsay  
P.O. Box 369  
Lindsay, CA 93247

A handwritten signature in black ink, appearing to read "L. Gitomer", written over a horizontal line.

Louis E. Gitomer  
February 28, 2008

**EXHIBIT F– VERIFIED STATEMENT OF  
MARK D. GARVIN**

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION  
—IN TULARE COUNTY, CA (BETWEEN EXETER AND STRATHMORE)

---

VERIFIED STATEMENT OF MARK D. GARVIN

My name is Mark D. Garvin and I am Chief Engineer of RailAmerica, Inc. (“RailAmerica”), a shortline holding company that controls the San Joaquin Railroad Company (“SJVR”). I have a B.S. in Civil Engineering from Michigan Technological University. My engineering work in the railroad industry began over 25 years ago on Conrail as a management trainee. I soon became an assistant track supervisor in charge of track maintenance. I joined Grand Trunk Western Railroad Company as a track supervisor, in charge of system track gangs performing capital projects. I joined RailAmerica as a Project Manager and became Chief Engineer in January 1992. My current duties include the acquisition of track equipment and material, the selection and training of maintenance of way personnel, the engineering evaluation of potential acquisition properties, and the development of maintenance and rehabilitation plans for properties acquired and owned by RailAmerica.

I am familiar with the 9.20-mile rail line between near Exeter, milepost 259.40, and near Strathmore, milepost 268.60, in Tulare County, CA (the “Line”).

I will discuss the value of the track and materials on the Line, the cost to rehabilitate the Line, and the annual maintenance-of-way costs once the Line is rehabilitated.

**1. Value of Track and Materials.** Each of RailAmerica’s subsidiary railroads maintains an inventory of track and materials on its lines under my supervision as Chief

Engineer. In addition, each railroad conducts regular inspections of its lines to maintain the accuracy of the inventory and the condition of the inventory. Exhibit A to this verified statement is the list of inventory on the Line.

The inventory includes rail, other track material ("OTM"), ties, signals and turnouts. The rail, OTM, and turnouts are classified as relay, reroll, or scrap. The valuations are based on recent quotations obtained by SJVR and RailAmerica from rail suppliers and quotations in national publications. Liquidation costs are based on my experience with the cost of removal and transportation and recent quotations received by SJVR and RailAmerica for removal and transportation.

The liquidation value of the railroad asset is \$760,896.

**2. Rehabilitation.** The Line can be operated as Federal Railroad Administration Class 1 track. Therefore, no rehabilitation of the Line is required at this time.

**3. Maintenance-of-way.** Maintenance-of-way costs for the SJVR consist of generally three components: vegetation control, crossing maintenance, and track inspection and maintenance.

In 2007 the cost to control the vegetation on the Line was \$3,744.

Crossing maintenance is performed on SJVR by Quality Signal pursuant to a contract. Under the contract, Quality Signal is paid \$37,500 per month to maintain all 263 signals on the SJVR. The Line has 17 crossings with signal systems. Therefore the annual cost to maintain the signals on the Line is \$29,087 ( $\$37,500/263 \times 17 \times 12$ ).

A track inspector inspects the Line once per week in a hi-rail vehicle. The track inspector is paid \$20.00 per hour and his benefits are about 72.5 percent of wages, for a total cost of \$34.50 per hour. It takes about two hours per week to inspect the Line.

Traveling the Line is about 20.8 miles per week (9.2 miles in each direction plus the 1.2 mile yard in Lindsay). The hi-rail vehicle gets 12 miles per gallon at \$3.15 per gallon. The annual inspection costs for the inspector are \$3,588.00 ( $2 \times 52 \times \$34.50$ ). The annual rental for the hi-rail vehicle is about \$900 per year for its use on the Line. The costs for the hi-rail vehicle are about \$1,183 consisting of the annual rental and the cost of fuel of \$283 ( $\$3.15 \times 20.8 \times 52 / 12$ ). Maintenance repairs are made after the track inspector reports on the condition of the Line. The maintenance crew consists of a foreman and two track laborers. The maintenance crew spends about 1.7 hours per week maintaining the Line. The wages for the foreman and laborers is about \$19.00 per hour per person. Benefits are about 72.5% of wages. Employee costs to maintain the Line are \$8,690 ( $\$32.77 \times 3 \times 1.7 \times 52$ ). Fuel is the same as the used by the track inspector, \$283. Materials used for maintenance per year consist of 168 ties at \$25.00 (excluding labor and transportation), 15 kegs of spikes at \$75.00 each, and 30 75 pound bars at \$35.00 each. Annual ties costs are \$4,200, spikes are \$1,125, and bars are \$1,050 for a total material cost of \$6,375.

The total track inspection and maintenance costs per year for the Line are \$20,119.

The total annual maintenance-of-way costs are conservatively \$52,950 consisting of vegetation control \$3,744, crossing maintenance \$29,087, and track inspection and maintenance \$20,119.

Based on consultation with Mr. Marc Bader, Mr. Randy Perry, and Mr. Victor Castillo of SJVR and my experience, I conclude that annual normalized maintenance for



the Line to be conservatively \$52,950. This is a very conservative estimate and within the range of per mile maintenance costs adopted by the Board

### VERIFICATION

I, Mark D. Garvin, verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement

Executed on February 26, 2008.

  
Mark D. Garvin

## **EXHIBIT A-VALUE OF TRACK AND MATERIALS**

**Liquidation Value of Railroad Asset**  
**San Joaquin Valley Railroad- Exeter South - MP 259.4 to MP 268.6**

**September 28, 2007**

<b>Rail</b>										
Weight	Jnt./CWR	Miles	NT/Mile	Total NT	Total GT	Class	Price NT	Price GT	Total \$ NT	Total \$ GT
112lb	jnt	3	187.26	561.79	501.60	relay	\$725		\$407,299	
112lb	jnt	3.6	187.26	674.15	601.92	reroll		\$335		\$201,643
75lb	jnt	5.1	121.44	619.34	552.99	scrap		\$275		\$152,071
<b>Totals</b>		<b>11.7</b>		<b>1855.29</b>	<b>1656.51</b>	<b>Total Rail Value</b>			<b>\$761,013</b>	

<b>OTM</b>										
Weight	Jnt./CWR	Miles	NT/Mile	Total NT	Total GT	Class	Price NT	Price GT	Total \$ NT	Total \$ GT
112lb	jnt	6.6	84.0	554.40	495.00	relay	\$400		\$221,760	
75lb	jnt	5.1	50.0	255.00	227.68	scrap		\$290		\$66,027
<b>Totals</b>		<b>11.7</b>		<b>809.40</b>	<b>722.68</b>	<b>Total OTM Value</b>			<b>\$287,787</b>	

<b>Ties (Removal &amp; Market)</b>						<b>Signal Appliances</b>			
Class	%	Miles	Total Ties	Price Ea.	Total	Type	Quantity	Unit Price	Total
#1 Relay	15%	11.7	5265	\$12	\$63,180	Lights	3	\$2,500	\$7,500
#2 Relay	0%	11.7		\$6		Gates	7	\$5,000	\$35,000
Landscape	40%	11.7	14040	\$4	\$56,160	<b>Total all Signals</b>			<b>\$42,500</b>
Scrap	45%	11.7	15795						
<b>Total Tie Value</b>					<b>\$119,340</b>				

<b>Turnouts</b>										
Weight	Type	Qty.	NT/TO	Total NT	Total GT	Class	Price EA	Price GT	Total \$ Each	Total \$ GT
75lb	#10	4	1.9	7.72	6.89	scrap		\$290		\$1,999
112lb	No 11	3	4.5	13.56	12.11	relay	\$4,500		\$13,500	
<b>Totals</b>		<b>7</b>		<b>21.28</b>	<b>19.00</b>					<b>\$15,499</b>

<b>Liquidation Costs</b>				
	Unit	Cost	Quantity	Total
Dismantle Rail (CWR)	NT	\$65		
Dismantle Rail (Jointed)	NT	\$50	2665 NT	\$133,234.3
Transport Rail & OTM	NT	\$35	2686 NT	\$94,008.8
Remove Ties	EA	\$2	35,100	\$70,200.0
Transport Ties	EA	\$3	35,100	\$105,300.0
Remove Relay Turnouts	EA	\$2,500	7	\$17,500.0
Remove Crossing Signal	EA	\$1,500	10	\$15,000.0
Restore Crossings	EA	\$2,000	15	\$30,000.0

<b>Gross Liquidation Value</b>	<b>\$1,226,139</b>
<b>Total Liquidation Costs</b>	<b>\$465,243</b>
<b>Net Liquidation Value</b>	<b>\$760,896</b>

**EXHIBIT G– VERIFIED STATEMENT OF  
ROBERT M. FRELICH, JR.**

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT  
EXEMPTION—IN TULARE COUNTY, CA (BETWEEN STRATHMORE AND  
JOVISTA)

---

VERIFIED STATEMENT OF ROBERT M. FRELICH, JR.

My name is Robert M. Frellich, Jr. and I am Director of Finance of RailAmerica, Inc. ("RailAmerica"), a shortline holding company that controls San Joaquin Valley Railroad, Company ("SJVR"). The purpose of this verified statement is to describe how I developed the revenues and costs of SJVR's operations over the 9 20-mile rail line between near Exeter, milepost 259.40, and near Strathmore, milepost 268.60, in Tulare County, CA (the "Line").

I have been Director of Finance for last two years and was Director of Planning for prior nine years with RailAmerica. As Director of Planning, I was responsible for planning, analyzing traffic profitability and financial results, acquisition modeling, and budgeting for RailAmerica's subsidiary railroads. My prior experience with Southern Pacific was as Director of Budgeting for Operating Department.

My current duties include responsibility for planning, cost modeling, profitability analysis, analyzing financial results, acquisition modeling and budgeting of railroads for two regions.

**1. Background.** The Surface Transportation Board (the "Board") has developed a very sophisticated methodology in 49 C.F.R. Part 1152 Subpart D for calculating revenues and avoidable costs of a line of railroad that a railroad is seeking to abandon. The predicate for using these procedures is maintaining data in accordance with the Branch Line Accounting System (the "BLAS"). Only Class I railroads are required to

maintain records in accordance with the BLAS. As a Class III railroad, SJVR does not maintain its records in accord with the BLAS.

Using the data and resources available to me from the SJVR, I have tried to present the Board with an accurate analysis of the revenue generated by the Line and the costs of operating the Line. There has been one shipper, Lindsay Foods. I understand that Lindsay Food has recently been acquired by Tulare Frozen Foods. I will use the traffic generated by Lindsay Foods in 2007 as Forecast Year traffic. Using that traffic, I developed the Forecast Year costs.

**2. Forecast Year Traffic.** Lindsay Foods is located at milepost 264.1 In 2007 Lindsay Foods shipped 79 carloads of frozen vegetables and generated \$32,745 in revenue for SJVR. Lindsay Foods ships one car at a time. Therefore, each carload requires two trips to Lindsay Foods. Therefore, I will calculate the revenues and costs of operation based on 79 carloads and \$32,745 in revenue attributable for the year.

**1. Revenue.** Revenue generated on the Line in 2007 by Lindsay Foods was \$32,745.

**2. Avoidable Costs.** In calculating the avoidable costs of operating over the Line, I will determine the costs of operation and use the costs to maintain the Line prepared by Mr. Garvin.

**a. Costs of Operation.** The cost to operate a train on the Line depend on the amount of time spent on the Line, the numbers of trips on the Line, the number of employees and their compensation, the number of locomotives used and their cost, the cost of fuel, and the overhead costs that include general and administrative costs, depreciation, and the maintenance of way costs as developed by Mr. Garvin.

The Line is excepted track. Therefore, calculating the costs of operation based trains moving at 10 miles per hour is very conservative and appropriate. Because there are only 79 carloads per year on the Line, each carload requires one trip for a loaded car and another trip for an empty car. Switching at Lindsay Foods takes an hour.

A round trip to Lindsay Foods is 8.8 miles  $((268.6 - 264.1) \times 2)$ , which at 10 miles per hour will take about 0.9 hours plus one hour for switching, for a total of 1.9 hours. Lindsay Foods generated 79 carloads, which would require 158 round trips. Hence, 300.2 hours would be spent serving Lindsay Foods.

There are two people in the train crews on SJVR. Hourly wages for each crew member is \$19.00 and their benefits are equal to about 71.02 percent of wages. Therefore, for the crew cost per hour is \$32.49  $(\$19.00 \times 1.7102)$ . Crew costs to serve the Line are \$9,753  $(\$32.49 \times 300.2)$ .

SJVR uses one 2000 horsepower locomotive to serve the Line. Daily rental of the locomotive from RailAmerica is \$114.00. The locomotive burns about 7.8 gallons per hour based on grade and amount of tonnage being hauled, and the average cost per gallon of fuel is \$3.15. I do not foresee the cost of fuel dropping in 2008. The locomotive fuel cost for on the Line are \$945  $(\$3.15 \times 300.2)$  and the locomotive rental is \$1,425  $(\$114 \times 300.2 / 24)$ .

Based on the above costs of \$9,753 (crew costs) plus \$945 (locomotive fuel) plus \$1,425 (for locomotive rental), the total yearly avoidable costs of operating the Line are \$12,123.

**b. Maintenance of Way Costs.** Mr. Garvin has developed an annual maintenance of way cost of \$52,950 for the Line, which I adopt and will use.



**c. Summary of Avoidable Costs.** The annual operating costs on the Line are \$12,123. Annual maintenance of way costs on the Line are \$52,950. Total avoidable costs on the Line are \$65,073.

**3. Avoidable losses.** The annual revenue projected for the Line is \$32,745. Annual avoidable costs are \$65,073, resulting in an avoidable loss of \$32,328.

### VERIFICATION

I, Robert M. Frelich, Jr., verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on February 2, 2008.

  
\_\_\_\_\_  
Robert M. Frelich, Jr.

## **EXHIBIT H-OPPOSITION OF LINDSAY, CA**



# City of Lindsay



## PLANNING

P O Box 369 — Lindsay, California 93247 — 150 North Mirage Ave

559 • 562 • 5945

559 • 562 • 5748 fax

November 27, 2007

Louis E Gitomer  
Law Offices of Louis E. Gitomer  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204


RE: Docket No. AB-398 (Sub-No. 8X) San Joaquin Valley Railroad Company – Abandonment Exemption – in Tulare County, CA (between Exeter and Strathmore)

Dear Mr Gitomer,

The City Council of the City of Lindsay, CA adopted City of Lindsay Resolution No. 07-92 on November 27, 2007 opposing the abandonment and abandonment exemption of the San Joaquin Valley Railroad rail line between milepost 259.4 and milepost 268.6. referenced in Docket No. AB-398 (Sub-No. 8X). Certified copies of City of Lindsay Resolution No. 07-92 (enclosed) are hereby provided to the Section of Environmental Analysis, Surface Transportation Board and Louis E. Gitomer, Attorney for the San Joaquin Valley Railroad.

The San Joaquin Valley Railroad's notice of intent to file dated November 2, 2007, requested a response from the City within three weeks. Unfortunately, this notice was not received by City staff until November 15, 2007. The late date of receipt coupled with the Thanksgiving holiday delayed the City's response. Your understanding in this matter is greatly appreciated. Feel free to contact me if there are any questions or concerns regarding this matter.

Sincerely,

  
William Zigler  
City Planner

cc: Scot B Townsend, City Manager  
Julia Lew, City Attorney

enclosure



RESOLUTION NO. 07-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY OPPOSING THE ABANDONMENT AND ABANDONMENT EXEMPTION OF 9.20 MILES OF SAN JOAQUIN VALLEY RAILROAD LINE BETWEEN MILEPOST 259.4 AND 268.6 IN TULARE COUNTY, CALIFORNIA.

At a regularly scheduled meeting of the City Council of the City of Lindsay, held November 27, 2007, at the hour of 6.00 p.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

THAT WHEREAS, the San Joaquin Valley Railroad Company intends to file a petition to abandon a 9.20 mile segment of rail line between milepost 259.4 and milepost 268.6, which passes through and services the City of Lindsay; and

WHEREAS, this is the only rail line servicing Lindsay Foods International, 650 West Tulare Road, a local food processing plant, which shipped 67 railcars in 2006, shipped 70 railcars between January and October 2007, and plans to ultimately ship 150 railcars per year; and

WHEREAS, there are thirty-eight (38) acres of Heavy Industry zoned property, twenty-three (23) acres of Light Industry zoned property, and thirty-two (32) acres of mixed-use zoned property along this rail corridor within the City of Lindsay, that are dependent upon rail access for future industrial development; and

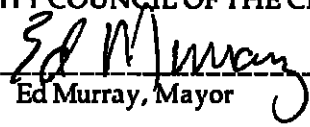
WHEREAS, the absence of rail service will adversely affect current industry, requiring shipment by truck, and will make the City and region less attractive for the development of future industry; and

WHEREAS, increased truck traffic will harmfully affect the region's air quality and place added congestion on local streets, roads, and highways.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lindsay hereby opposes the abandonment and abandonment exemption of the 9.20 mile segment of rail line between milepost 259.4 and milepost 268.6, which passes through and services the City of Lindsay.

ADOPTED by the City Council of the City of Lindsay this 27th day of November, 2007.

CITY COUNCIL OF THE CITY OF LINDSAY

  
Ed Murray, Mayor

ATTEST:

  
Kenny Walker, City Clerk

CITY OF LINDSAY )  
COUNTY OF TULARE )  
STATE OF CALIFORNIA )

CITY CLERK CERTIFICATION

I, Kenny D. Walker, City Clerk of the City of Lindsay, do hereby certify that the foregoing is a full, true and correct copy of the original Resolution No. 07-92 adopted by the City Council of the City of Lindsay at a regular meeting duly held on the 27th day of November 2007, on motion of KIMBALL, second of VELASQUEZ, by the following vote, as the same appears of record and on file in my office

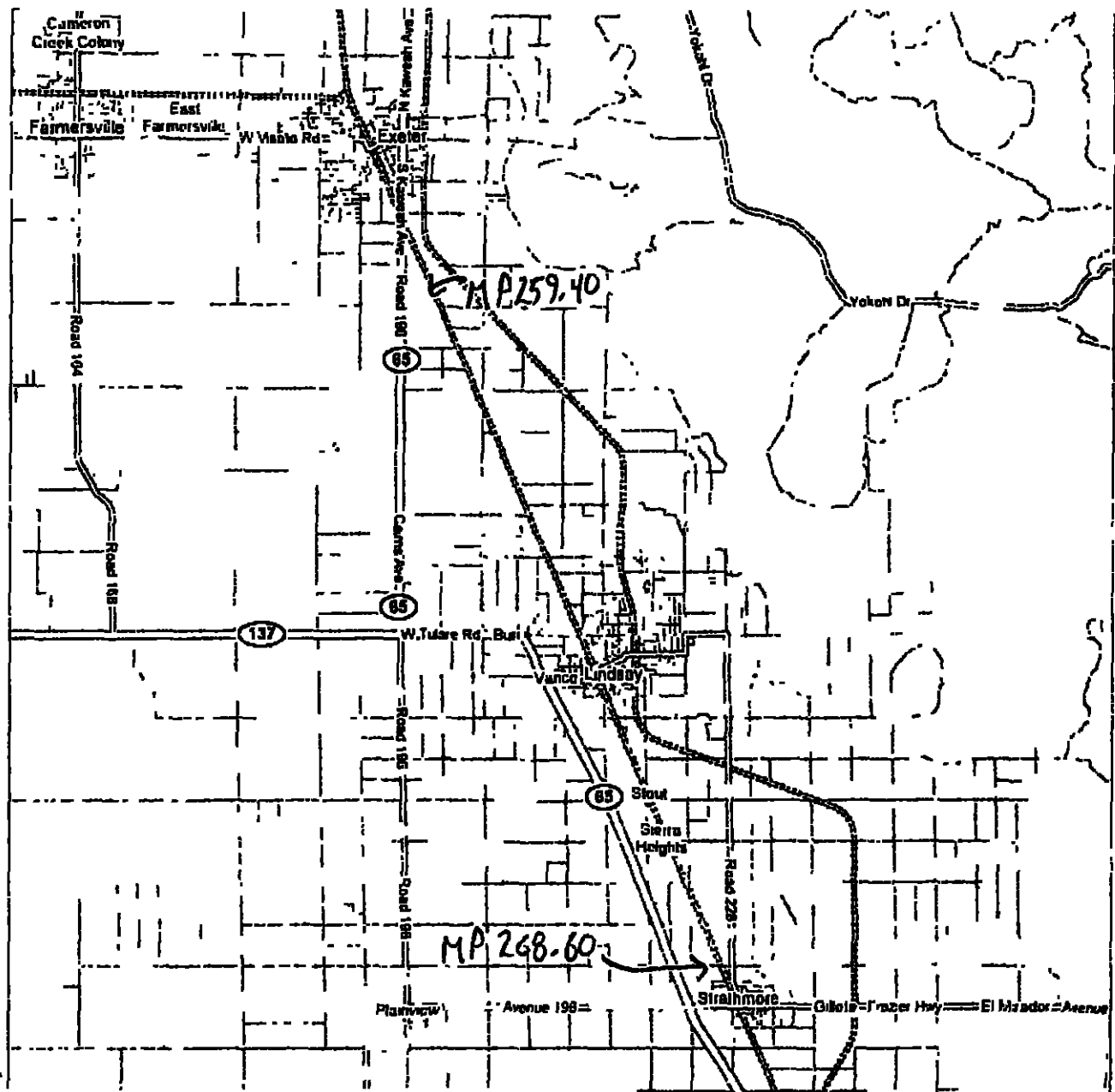
AYES	KIMBALL, VELASQUEZ, SALINAS, PICASO, MURRAY.
NOES	None.
ABSENT.	None.
ABSTAIN	None.

WITNESS my hand and Corporate City Seal of Lindsay this 27th day of November 2007.

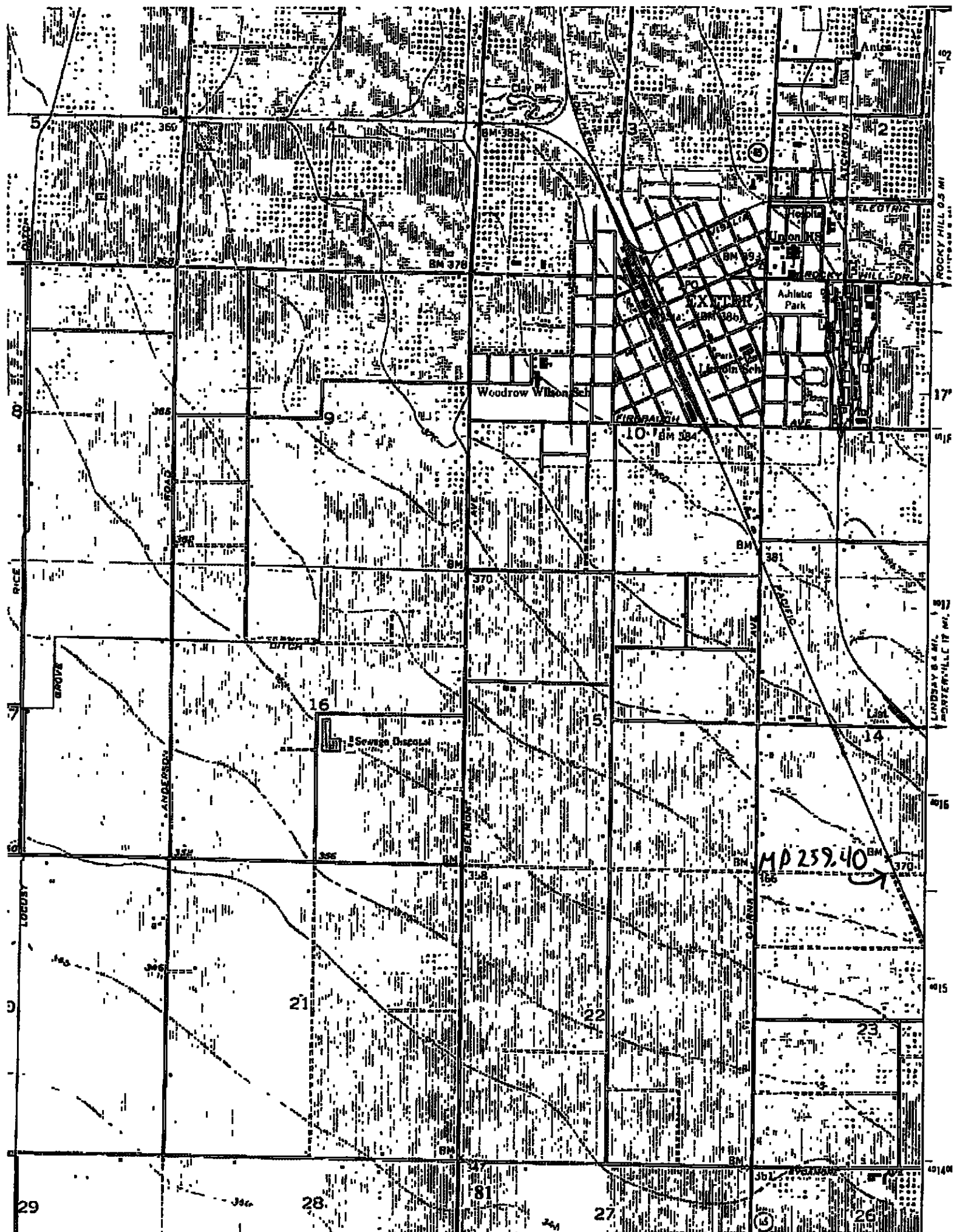
OFFICE OF THE CITY CLERK OF LINDSAY

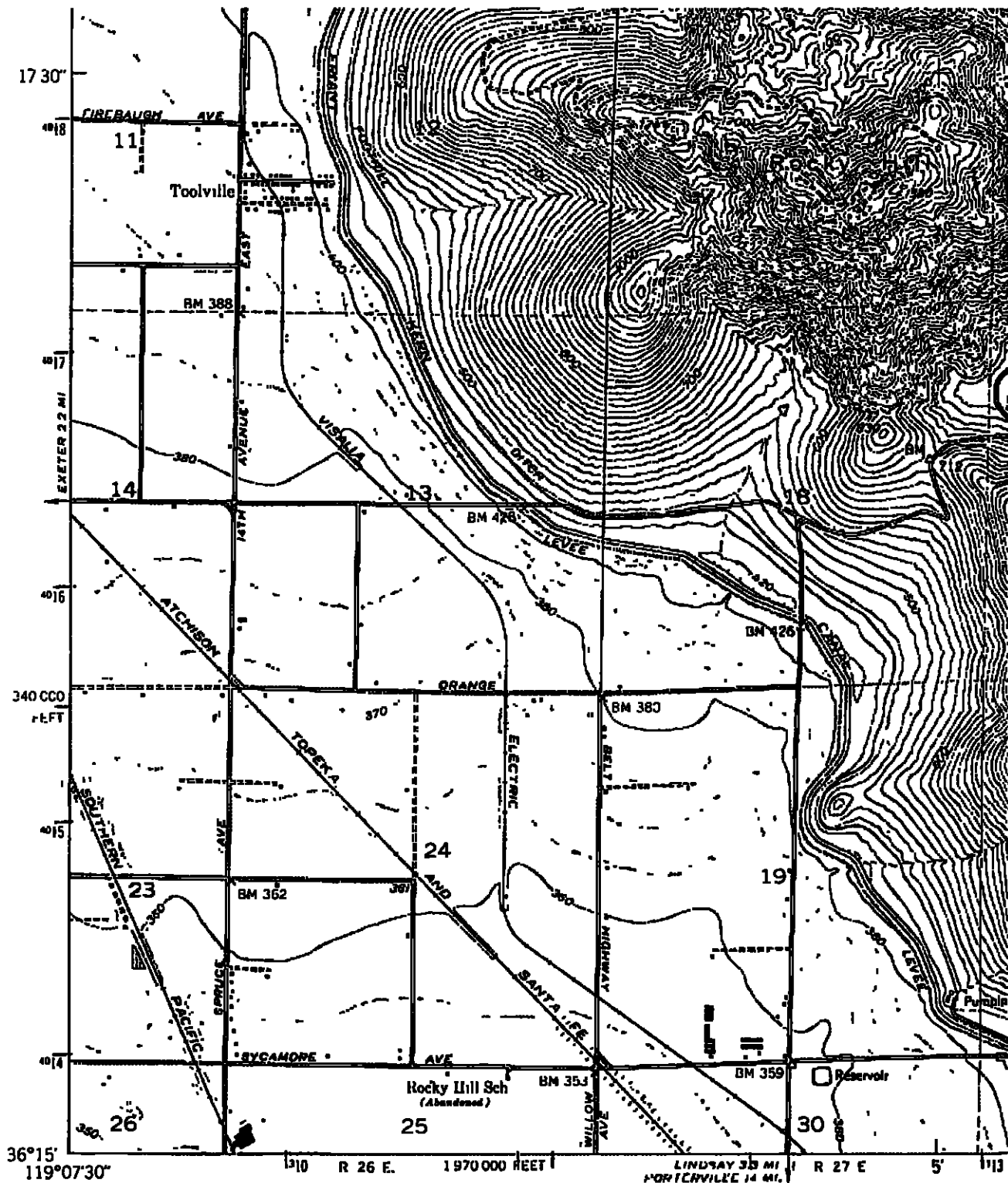
*Kenny D. Walker, Deputy*  
Kenny D. Walker, City Clerk

## **EXHIBIT I-EXHIBITS IN COLOR**









CAIRNS CORNER  
2129 N NW

Mapped, edited, and published by the Geological Survey

Control by USGS, USC&GS, and USBR

Topography by plane-table surveys 1925 and by Kelsh plotter  
Culture and drainage by photogrammetric methods from aerial  
photographs taken 1946. Contour revision and field check 1951

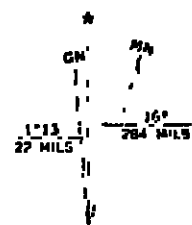
Polyconic projection 1927 North American datum  
10,000 foot grid based on California coordinate system, zone 4

Dashed line lines indicate approximate locations

Dotted and lines were established by private survey

Unchecked elevations are shown in brown

1000 meter Universal Transverse Mercator grid ticks,  
zone 11, shown in blue



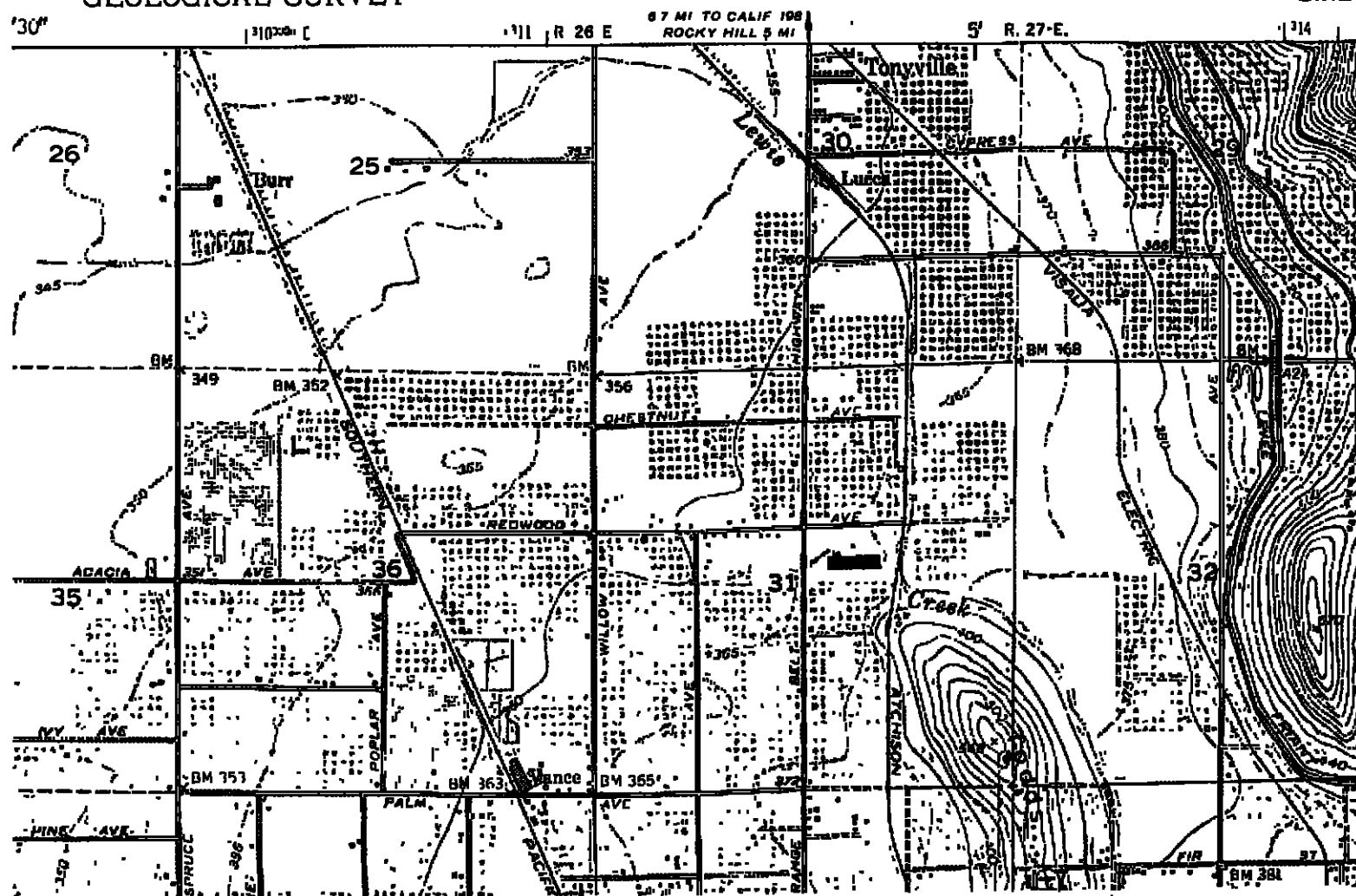
1911 GR D AND 1969 MAGNETIC NORTH  
DECLINATION AT CENTER OF SHEET

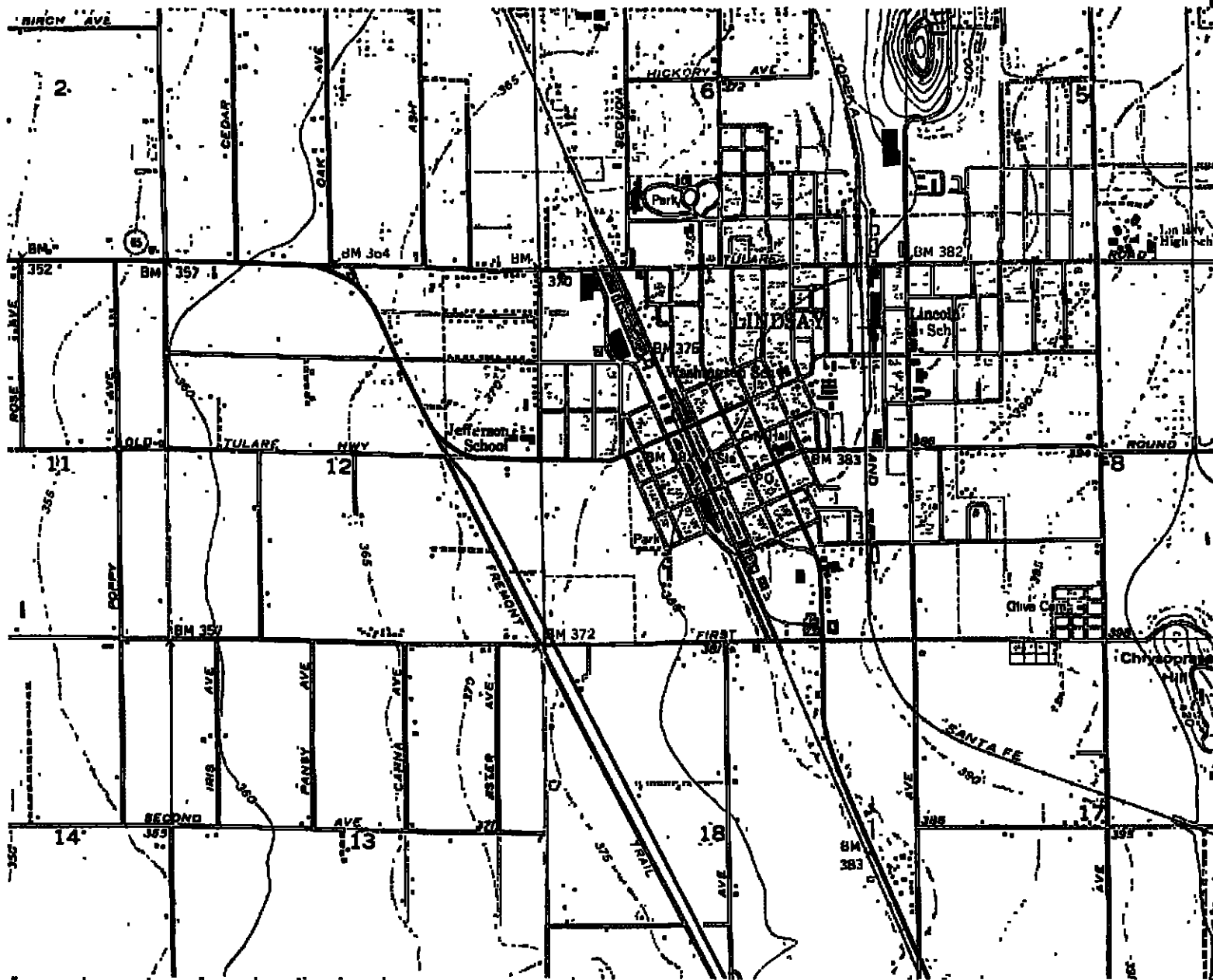
Revisions shown in purple compiled in cooperation  
with California Department of Water Resources from  
aerial photographs taken 1969 This information  
not field checked

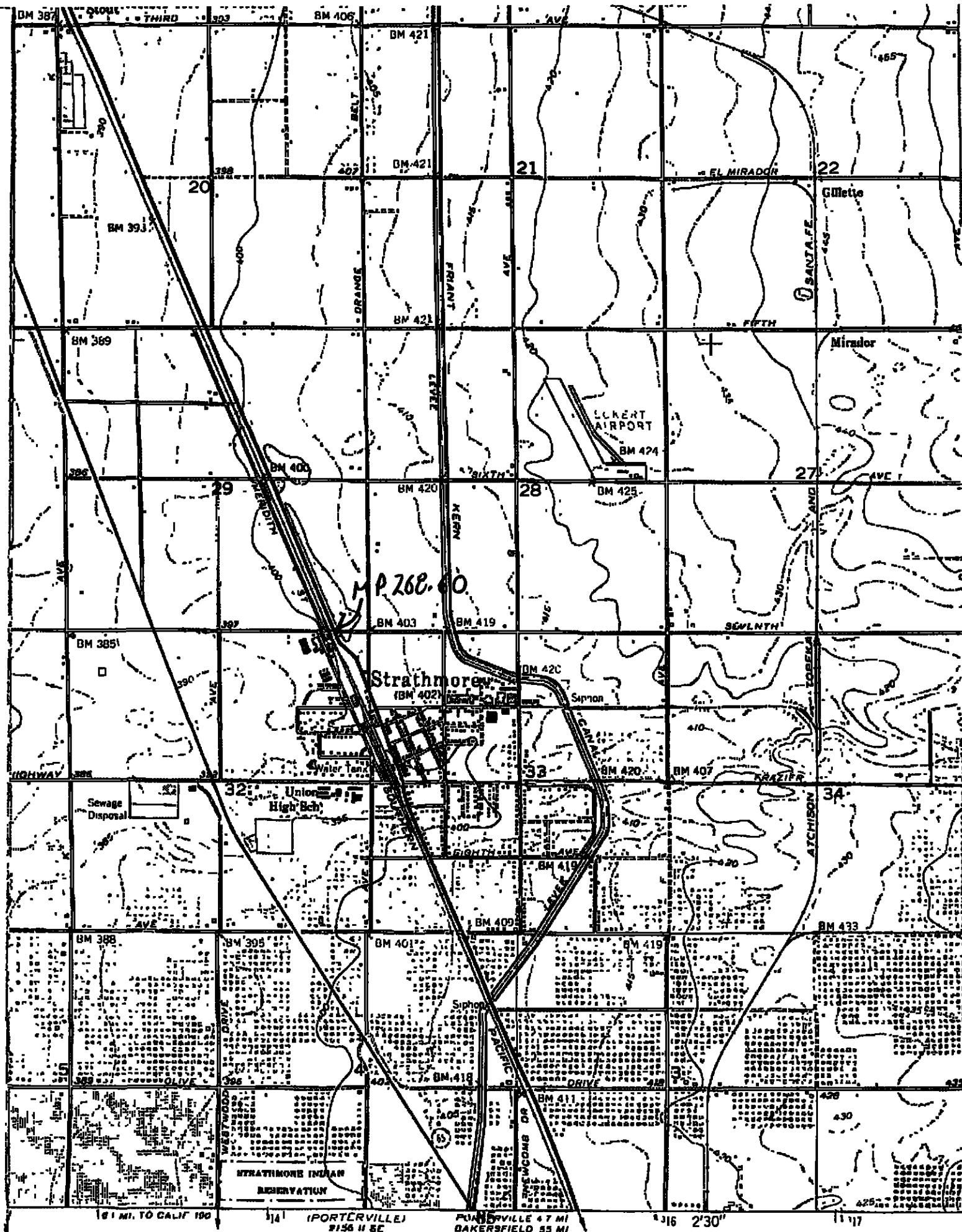
FOR S

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

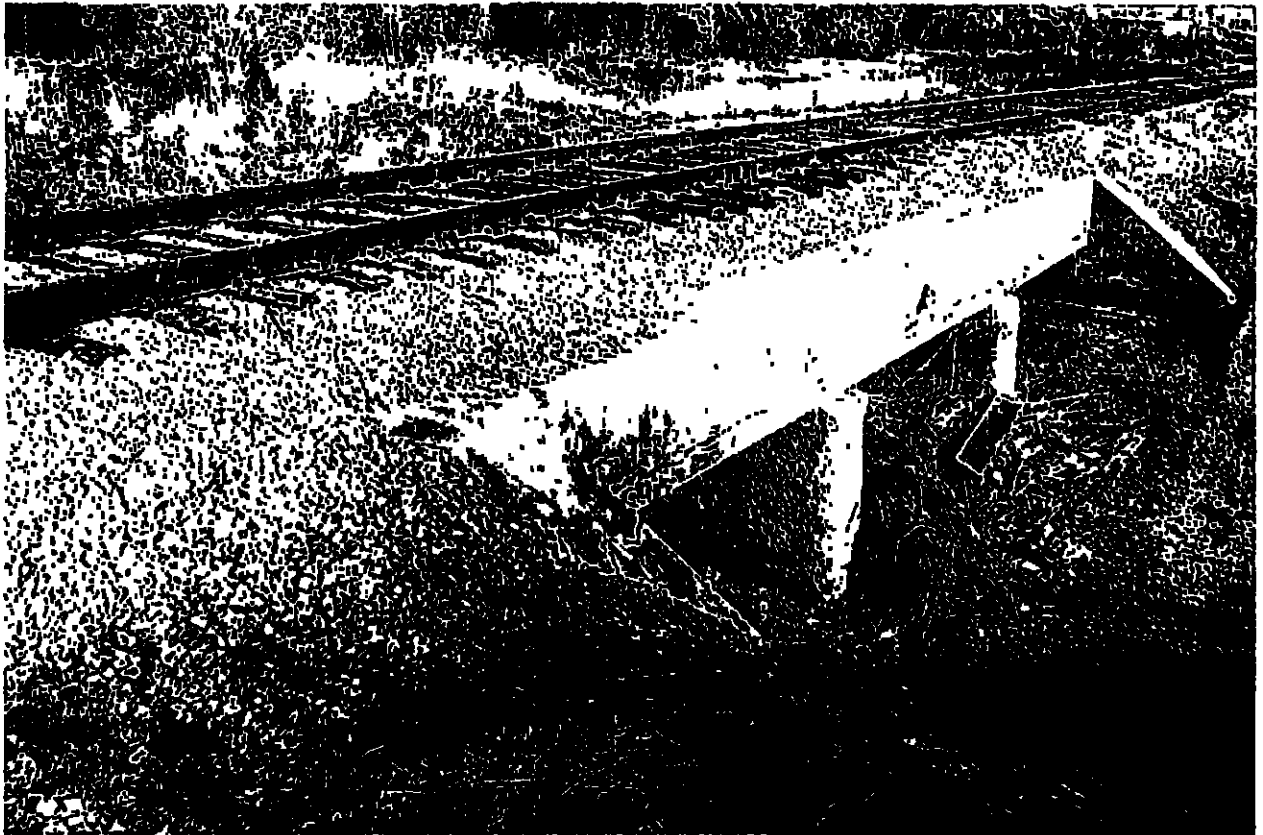
STATE  
R  
DIRECTOR







# San Joaquin Valley Railroad



Bridge 261.29